

A SURVEY OF THE ARTICLES OF THE LATE REJECTED PEACE CONCLVDED

In the Marques of Ormonds Cabinet in Dublin, the 29. of July 1645. and there published, as if the same were concluded the 28. of March before. In which survey it is proved by notable observations upon some of the said articles, that the said Peace is destructive of the Catholique Faith, disadvantageous to His Majesty, pernicious to his Catholique subjects, and favourable onely to rebellious Parliamentary Heretiques.

Unto the iniquitie of which Peace is added the invaliditie and nullitie thereof
1. By the revocation of the Marques of Ormonds Commission before any Peace was legally concluded &c. 2. By the defect of sufficient Commission or authority on the part of our Committee of the Treaty. 3. By the revocation thereof by the Protestation of the principall part of the Body Politique of the Kingdome and other Inhibitions. 4. By exceeding their Commission. 5. By deviating from the rules established by assembly, by which they ought to regulate themselves, namely, from the Oath of Association, Modell of government, Acts of Assembly, Grievances, Declarations, and Propositions made by the Kingdome to His Majestie, &c. 6. By rejecting the Kings favours and grace. 7. By their surreptitious and clandestine concluding of a Peace contrary to their promise made unto the Lord Nuncios. 8. By the Kingdoms non-acceptance thereof.

Whence the Iustice of the Clergies Decree of Perjurie, and excommunication against the Adherents to so iniquitous and invalid a Peace, is evidently deduced.

THE FIRST PART.

By *Walt. Enos* Dublinian, Priest, & D. of Divinity.

Propter fratres meos & proximos meos loquebar pacem de te. P sal. 121.

Printed at Kilkenny, by permission of Superiors, and approbation of Schoolemen in the yeare, 1646.

Nos Ioannes Baptista Rinuccini, Archiepiscopus & Princeps Firmanus, apud Hibernos Confeder. Nuncius Apostolicus Extraordinarius, vobis RR. PP. quorum nomina inferius scripta sunt, & cuilibet vestrum, facultatem facimus, & per praesentes pariter mandamus, ut post diligentem perlectionem libelli, cui titulus est (A Survey of the Articles of the late rejected Peace) vel primae partis eiusdem modo impressae, ab eximio Dño & Magistro Gualtero Enos S. T. Doctore, de mandato Ecclesiasticae Congregationis, compositi, censuram vestram & calculum pro qualitate & utilitate operis eidem apponatis, adeoque confirmetis & corroboretis, ut vel inde, perspectis calamitatibus, quibus involuebantur Confederati Catholici (si pax ista fuisset acceptata) ad constantem in causa Dei unionem, eiusdemq; promotionem alacrius excitentur. Datum in Palácio nostrae Residentiae Kilkenny. 28. Novembris, 1646.

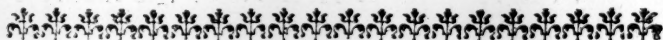
Ioannes Baptista Archiepiscopus
Firmanus Nuncius Apostolicus.

Nomina PP. referuntur in sequentibus approbationibus.

THis first part of the Survey by the very Reverend Father Walter Enos Doctor of Divinitie Written; and by me perused, is a true discovery of a pernicious intended Peace, wherein as in a true prospective glasse, such as have erred in concluding the said Peace, may behold their ~~owne~~ errors, the iniquitie of the foresaid Peace, and the venome of the penall statutes. This Survey containing nothing else but true Zeale, Learning, & sincere fraternall admonition, is worthy to see light, and with its light, will enlighten others, not to runne headlong unto the sad darknesse of a dishonorable Peace: Dated at Kilkenny the fourth of December, 1646.

FR. PATRICKE PLUNKET

Abbot of St. Maries Abey of Dublin, diffinitor & late president generall of the Congregation of St. Malachias, and St. Bernard in Ireland.



THe subsequent Survey needs no better Approbation, then it delivers within it selfe, to the view of any indicious and impartiall Reader: Who after a diligent perusal (as I have done, by speciall Mandat) will easily perceive with me; that (for its maine substance) it oppugnes only a temporary forme of Peace, as farre as it goes not the right way to the eternall. Which Doctrin stands well with sound faith, and good manners, in the iudgement of

Kilkenny 4. Novemb. 1646.

Tho. Roth.

Deane and Vicar Generall of Offory.



BT Command of the Lord Nuncio, I the under-named, have perused a small treaty intituled, A Survey of the Articles of Peace, wherein I have taken notice of many subtill observations, and comparing the said observations and collections with the Articles of the said Peace, as they are cited in the said Survey, doe find, that there is no securitie for Church or Commonwealth in the said Peace, dated at Kilkenny, this fourth of December, 1646.

NICOLAUS TAYLOR,

Sacra Theol. Doct. Protonotar. Apostolicus & Rector Eccl. de Swords.

I Have according to the above Command perused the first part of the foresaid Survey, Composed by Walter Enos D. of Divinitie, wherein I found nothing dissonant to orthodox faith, or good manners, but on the contrary I found learned and grave arguments grounded on the lawes, divine and humane, discovering the iniquitie of the foresaid Peace, and the delusions of the present time. *V*Wherefore I hold it worthy the publication, wishing the firme impression thereof also in the hearts of the Confederate Catholiques, to the end they might by perfect union prevent their owne ruine. Kilkenny, 4. Decembr. 1646.

I O A N N E S S H E E,
Theol. Præb. de Main, & Vicarius
Sancti Ioannis Evangelistæ.

By vertue of a Commission directed unto us, by the most illustrious Lord, the Lord Nuncius, We have perused a Booke called, *A Survey of the Articles of the late rejected Peace, being the first part thereof, Composed by the Learned Father Walter Enos Doctor of Divinitie: and doe finde nothing therein contrary to Catholique doctrine, but rather many things conducing to the publique good of this poore distracted Kingdome. V*Wherefore Wee deeme it worthy the printing. Given in our Convent of the Holy Trinity of the Order of Preachers in Kilkenny the 3. of December, 1646.

Fr. Ioseph Langton Sac. Theol. Magister.
Fr. Hugh Duigin Supprior.
Fr. Felix Connor S. T. Professor.
Fr. Iohn O'Haire S. T. Professor.

IN obedience to the foresaid mandat; We have read and diligently perused the Booke entituled, A Survey of the late rejected Peace: Written by the Reverend and most learned Walter Enos Doctor of Divinitie: wherein we have seene nothing contrary to the tenents of Catholique Religion, or rules of good life; but in all and every part thereof observed sound doctrine, but discovered a zealous, strong, and vigorous spirit, but found most ample satisfaction to cleare even the least scruples, which any might have concerning the proceedings of the Confederate Catholiques, in rejecting the late peace concluded with, and published by the Marques of Ormond. Wherefore we thinke it most worthy the publicke view and light. Given at our Convent of S. Francis the third of Decemb. 1646.

Fr. Antonius Mac Geoghegan, Guardian
of Kilkenny & late Provinciaall of Ireland.
Fr. Paul King Preacher & reader of divinity.
Fr. Peter Walsh, Preacher and reader of
Philosophie.

IN obedience to the above Command, we have examined with diligence, the first part of the Booke above mentioned, and doe finde that the Author therein doth learnedly shew by his ingenuous observations, that in those Articles nothing was established for the security of the free exercise of our Catholique Religion; nothing for the preservation of our Churches, Church-treasures or jurisdiction; nothing for the defence of the lives, liberties, or estate of either Ecclesiasticall or secular; Wherefore we hold the foresaid first part to be no lesse worthy, then necessary to be exposed to publicke view, not doubting but it may produce good effects in conserving chiefly the Catholique union.
Done at Kilkenny 2 Decemb. 1646.

William Saint Leger of the Societic of Iesus.
Iohn Mac Igan of the same Societic.

To the right Reverend Prelates, and Venerable Fathers of the Ecclesiasticall Congregation of both Clergies of the Kingdome of Ireland.

Ight Reverend Prelats, and Venerable Fathers,

R I may truly say with chaste Susanna : *Augustine Dan. 13. 42.*
sunt mihi undique, I am perplex'd on all sides: If I comply with Your Commands, I incur the high indignation of those noble persons, that contrived the late rejected Peace: If I sleight them, I am argued of disobedience unto you, my venerable Superiours. If I speake the words of truth, I am reprehended, even by those, whom in my soule I otherwise honour: If I conceale the truth; whole kingdomes stand up, and give testimony against the iniquitie of the said peace, and against the irregular proceedings of the Authors thereof. *But its better for me to fall into their hands, than to offend in the sight of my God.* Truth begetteth hatred; but against the venome thereof I am Antidoted by this divine Conservative: *pro anima tua ne confundaris: dicere verum est enim confusio adducens peccatum, & est confusio adducens gloriam & gratiam:* though it were to the hazard of thy life be not ashamed to tell the truth; for there is a shame that bringeth sinne, and a shame, that bringeth glory and grace; fight for iustice with the hazard of thy life, and unto death strive for iustice: for God will overthrow thine enemies for thee: if any censure or vindicate me of too great freedome and libertie of spirit in delivering the truth in this present worke; I let them know, that I have, as patterns to imitate in the like occasion, whole troupes of Martyrs and Confessors, who boldly spoke the testimonies of our Lord, in the sight of Kings, and were not confounded. *Psal. 118. 46.*
Ut quid autem libertas mea iudicatur ab aliena conscientia.

Yet having had experience of the profound humilitie of *1. Cor. 10. 39*
those Noble gentlemen accompanied with learning and ver-

tue;

THE EPIQUE Dedicatory.

me, which I seriously observed in them, while the whole passage of this treatie, was in discussion before you at *Waterford*, I cannot dispaire of their benigne interpretation, and favourable construction of any thing that may seeme distastfull to them in reading this *Survey*. *pax multa diligentibus legem tuam, & non est illis scandalum*. Nothing can offend them that preferre the honour of God and the publique good, before their owne honour, and any private interest. *Humanum est errare, diabolicum autem perseverare*. Though those Noble Gentlemen have *erred* (an imperfection incident to human frailtie) yet have they not *persevered* therein, having humbly captivated their Iudgment to the Iudgement of holy Church, being mindfull of that lesson of Christ Iesus: *Qui vos audit, me audit*. No confederacie on earth can have so strict an union, as that, which is betweene the Blessed of heaven; yet are we enformed by the propheticall oracle, that the *Prince* or tutelar Angell of the *Persians* was at contention with the tutelar Angell of the *Iewes*, and *resisted him for the space of one and twenty dayes*, yet did they alwayes preserve the *unitie of the spirit in the bond of Peace*. What marvaile is then, that among the Confederate Catholiques some contention should arise, seeing so many Ingins have beene invented by the Enemies of truth and Religion to dissolve that happy union, which God himselfe hath wrought in their hearts for the reparation of the Catholique faith, securitie of our Sovereaigne and conservation of His kingdome: yet wee hope, that such small division shall never burst into any rupture, but that God (who familiarly produceth good effects out of bad causes,) will produce a more strict and happy union among the same Confederate Catholiques out of such petty divisions. *Pater sancte serva eos in nomine tuo &c. ut sint unum, sicut & nos*. Ah let not the wound grow wider, let not the Canker fret farther into the body. God hath put a division long since betweene our Enemies in these three Ilands to pull downe their proud *Babel*, and erect his owne Arke: ah let not our division destroy Gods worke. Wee begun for God, and & our beginnings have beene seconded by his powerfull hand, let us end with God, and he will crowne our conflicts with ever vermant laurells. The eyes of Christian Princes abroad doe
look.

P. 118. 121.

Enc. 10. 16.

D. n. 10. 13.

& Inter-pret. ibid.

Ephes. 4. 6.

Joan 17. 11.

The Epistle Dedicatory.

looke in the Confederate Catholiques of *Ireland*, as on the
 Champions of Christ, the Reparators of Religion, and Con-
 servators of Monarchie, let us not sad their hearts and draw
 teares from these eyes by recoyling from Gods cause, and
 yeelding unto our declining Enemeyes on sordid Conditions,
 least wee become *spectaculum indignum mundo & Angelis & ho-* 1. Cor. 49.
minibus. Know, our Enemies crueltall doome against us is uni-
 versall, their mercilesse sword admits no distinction betweene
 the Catholique Irish Noble-men or Gentle-men, between the
 Cittizen or Countrey-men, betweene sex, age, or other condi-
 tion; the Orphans innocent body is as welcome to theirs, as it
 was to *Herods* sword; and when wee thinke our friends (in
 whom we have too presumptuous a confidence) will helpe us,
 be assured they will let us sinke in our owne miseries. Nothing
 lesse will satiate our unsatiable blood-thirstie enemies, than to
 drench themselves in our blood, to share our lands, destroy
 our posteritie, and eradicat our memorie from the face of the
 earth. Nothing (under god) can prevent their furie, but
 union. See the declaration for avoyding distinction betweene
 old and new Irish.

I am forced (Right Reverend Lords, and Venerable Fa-
 thers) to dispatch this first part of my Survey of the Articles of
 the late rejected Peace, which proves the iniquitie and injus-
 tice thereof, and to expose the same to publike view be-
 fore the second part, which proves the invaliditie of the same
 peace; because, I heare, *Inimicus homo superseminavit ziza-* Mat. 13. 25.
nia, &c. the Enemy man hath sow'd the tares of division among
 our Armies neere *Dublin*, and made use of some of our own Ca-
 tholiques, as active Instruments to promote his designe: *Vtri-*
nam sapient & intelligerent, & novissima provderent. The Mar-
 ques of *Ormond* appeares not in the businesse: The Lord *Digby*
 hath assumed his Excellencie the Marques of *Clanrickard*, to
 act this tragicke scene: he without authoritie promisseth much,
 but alas is able (in the condition of these times) to performe
 little; without Commission undertaketh all things; yet while
 he hath no other prop, than *Digbys* parole, he is able to per-
 forme nothing.

His Excellency the Marques of *Clanrickard* might reason-
 ably

The Epistle Dedicatory.

bly suppose, that the Nuncius, the Clergie and Confederate Catholiques of Ireland have more power, and can prevaile more with the Popes Holynesse, our Queene, and the State of France, than any one particular Subject in England or Ireland. By his engagement nought else is to be expected, but a fatall division betweene the Confederate Catholiques of Ireland to the destruction of Religion, prejudice of His Majestie; and ruine of this distressed Nation, which the god of mercie avert. The politicke dayes of *Elizabeth* are revived in these our woefull dayes, and Catholiques are assumed as instruments to raise up heresie and pull downe Religion. Was it to that end his Holynesse spent his moneyes to rescue Connaught from the Scots?

Our Nobilitie, and centry of the Pale were not intrusted by those of *Dublin* with armes to defend themselves, and in the progresse of these warres they have been pillaged, burned, destroyed and banished, above all others of this Nation, notwithstanding they in time past assisted by a sociall warre to settle His Maiesty in a full and secure possession of *Ulster*. Being forgetfull of this foule remuneration they would now precipitate themselves into an unwarrantable and unsafe Peace with those very persons, that thus afflicted them. *Venatione ceperunt me quasi avem inimici mei gratis.* I beseech them (for their owne good, and the good of their posteritie) that they would consult with disinterested Lawyers, who may truly enforme them, whither by the Articles of the Peace rejected, or the Engagement of the Marques of *Clanrickard*, they are any way secured of their Religion, Lives or Estates. The indictments & attainders of their persons, and the offices taken on their land remaine still in full force: the act of oblivion will not be granted, till the next Parliament: how many of their heads may be chop'd off before then? They are indeed call'd backe to their lands, but there to live, as Tenants at will, seeing no solid assurance is given them to possesse the same without interruption; whensoever it shall please the present Lord Lieutenant or his successors, they may be ejected, and forced to give an accompt of the maine-Rates during the time they possessed the same by intrusion, and withall they themselves may be arraigned

The Epistle Dedicatory.

ned for their lives. Let them turne themselves what way they list, they are like to be a prey on all sides, if they adhere not (according to their oath) to the Catholique Confederacie. They ought not for any injurie pretended to be done them by any their fellow-Confederates, concurre to any act destructive to themselves, and their Religion. Redresse may be had by more lawfull wayes, and a Course layd downe for prevention of any future injurie. *Va illi, per quem venit scandalum.*

Math. 18. 7.

How shall wee avoid Gods just indignation, the infamous note of perjurie, and everlasting disgrace among all Nations, if (having proclaimed unto the world, and accordingly taken a solemn oath) that wee would maintaine the Catholique Religion) wee should reject all the graces granted unto us by our Sovereigne for the maintenance of the same Religion, and adhere unto his Subject and unto a Peace; derogatory to all the said graces? His Majestie grants us the repeal of the penall lawes made against Religion: the subject denies it. His Majestie commands the suspension of *Poynings* act, which might otherwise be a hindrance unto us and unto the Catholique Religion the next Parliament: the subject suppresseth it: His Majestie grants unto us a Catholique Vice-Roy to governe us; a thing knowne abroad in Catholique Countreyes, and by all Catholiques passionatly desired; the Subject invents wayes, to reject it. Shall wee adhere to the King or to the Subject; to our Religion or to heresie; to the Conventicle of Malignants, or to our Catholique Confederacy; to our solemn oath and publique protestations, or to perjurie and perfidie? *Perditio tua ex te Israel.* These human policies have hitherto produced no other effects, than the distracting of the subjects from assisting their Sovereigne, and are like for the future to produce no better. When great ones preferre their owne private interest before the Kings securitie, what hopes are there of any reliefe to be sent him? If ever the Catholique Confederats send over succour for His Majestie, (as by their protestation they have vowed) they resolve never to give the honour of their labours and charge in that expedition to any Protestant subject breathing; for that were to fall into the old servitude; when the Catholiques contributed

The Epistle Dedicatory.

tributed well nigh a million of money to His Majestie, the Protestant or Puritan Ministers of Justice assumed all the honour of such Contributions to themselves, and represented the Catholics as Refractories.

Here (Venerable Prelates and Fathers) I must offer violence to mine owne Genius, and stop the vent of many occurring arguments, which might be propounded in this weightie matter. To you this *Survey* is addressed, because from you the author received Commands and encouragement to attempt it, as it is composed to justifie your Religious endeavours in promoting the cause of God; so I pray, it may be patronized by your favourable acceptance. *Hee that is not With you, is against you; hee that gathereth not With you, scattereth.* God hath appointed you to support his Arke, when others withdrew their shoulders from so sweet a burden. Preserve (Venerable Prelates and Fathers) preserve it, by your selves and your constant Adherents, from the foule hands of the Philisthims, least the Gentils invading our Lords inheritance pollute his holy Temple! nolite dare SAVCTVM CANIBVS! suffer not ravening wolves to possesse our Lords fould: rescue from their devouring lawes the flocke committed to your charge: that Which was lost, seeke after, and that Which was cast away, bring backe againe: and that, Which was broken, bind up; and that, Which was Weake, strenthen; and that, Which was fat and strong, keepe, and feede in Iudgement; that once that joyfull day may shine in our hemisphere, when we may all say, *et unus Pastor & unum ovile.* How prodigiously God hath seconded your humble and weake beginnings histories shall communicate to future ages, *ut qui gloriatur, in Domino glorietur.* The enimie hath beene brought in, and seated in the chiefe Citie within your owne Quarters, whilst you modestly resisted by your Fatherly admonition. Agents are sent unto you to *Waterford* by the late Supreme Councell and Committees to treat of a friendly Compasure, if possibly it might be, interim they invite the Marques of *Ormond*, and present him ten Thousand men to Conquer *Mounster*, and to enforce a Peace, no lesse unjust, than invalid, on his Majesties faithfull Subjects. O perfidie! at *fugit hostis remine persequente.*

LUC. 11. 23.

2 Cor. 13. 7.
20

2. Pet. 27.
20

The Epistle Dedicatory.

*quente. Et Domini nutu dissipatum est Consilium Achitophel ut-
le, ut induceret dominus super Absolon malum.* Your armes
were onely prayers and teares; & *exauditi estis pro vestra ve-* Heb. 1.
reverentia God, who searcheth the secret angles of mens hearts,
knew your religious intentions to ayme purely at the repa-
ration of Religion, the securitie of our Sovereigne, and preser-
vation of his kingdome. I wish, that others of inferiour qua-
litie and lesse power in *Ireland*, than the Marques, did take no-
tice, how his dearest friends did abandon him, when the Cler-
gie resisted, and the Cause of God was brought into hazard;
how much more would the friends of these others desert
them, in case they attempted any thing to the prejudice of
the Church, and without the consent of those, that intrusted
them. *Mibi autem adhaerere Deo bonum est.* Psal. 72. 28

But these and such like (Renowned Prelates and Fa-
thers) are *Immissiones per Angelos malos.* God will give Psal. 77. 49
cum tentatione proventum. Goe on forward with Machabean 2. Cor. 12
spirits, and as you succcede unto them in pontificall dignitie;
to imitate them in heroicall fortitude: Let your zeale against
impietie parallell that of Phinees, and your aversion against
heresie and idolatrie, that of *Mathathias*. Fight our Lords
fight, and while the Catholique armies are in the field with
Iosue, let your prayers and oblations be offered unto God on
the mountaine with *Moyse*. *Reliquit Deus sibi septem millia* 3. Reg. 19.
virorum, qui non curvaverunt genua ante Baal. It shall not be 18.
you that shall fight, but onely stand confidently, and you shall see 2. Paral.
the helpe of our Lord over you: Ioyne both swords together (the spi- 20. 17.
rituall and temporall) and let one sword helpe the other, as our
ancient fundamentall lawes, prescribed by the glorious Con-
fessour *Edward* sometime King of England, doe warrant you. Hoved.
Then is the power from God, well ordered, when one sword hist. Angl.
(the temporall) is subordinate to the other, the spirituall, and
by the spirituall reduced into practise. Both are in the power of Extrav.
the Church; but the temporall sword is to be unsheathed for Comm. 1.
the Church by the hands of Kings and souldiers. That God of 1. tit. 8. &
hosts, who gave you to begin well, will give you also to ac- obed. c. 1.
complish well, to the Consummation of the Saints, unto the Ephes. 4. 12.
worke of the ministerie, unto the edifying of the Body of Christ,
which

The Epistle Dedicatory.

Which is his Church; that having fought a good fight, preserved the faith, and consummated your course in his militant Church on earth; you may be Crowned with a diademe of iustice in his triumphant Church in heaven. So wisheth, so prayeth and in the fervour of spirit desireth

Your ever humble and obedient
child in Christ Iesus
Walter Enos.

ved
ch
ais
nd

nt

A SURVEY
OF THE
ARTICLES
OF PEACE,

*Concluded in the Marques of Ormonds Cabinet in Dublin,
the 29. of July 1646. and there published, as if it were
concluded the 28. of March before, &c.*

A PREMONITION.

1. **T**O guide the Reader in this Survey its necessary he place
before his eyes the Oath of Association, the Modell of
Government, our Remonstrance printed in *France anno 1642.*
our grievances, presented at *Trim. 17. March 1642.* the sever-
all acts & protestations made by the kingdome in the Assem-
bly held at *Kilkenny*, in the moneths of *July* and *August 1645.* to-
gether with the 17. Propositions exhibited to His Majestie, in
April 1644. and the 14. additionall propositions afterward
propounded unto the Marques of *Ormond.* By these, as by the
generall rules laid downe by the whole kingdome, not onely
the Committee of Treaty, but the Supreme Councell also, and
the Committee of Instructions, were to regulate their actions
in the conclusion of this anticke Peace. If they have swarved
from these rules, they must either shew us a dispensation there-

A

in,

2 § 1. Observations on the first branche

in, or licence us (in vindicating the honour of the Confederate Catholiques) in a modest manner; to discover their errors: *Si autem peccaverit in te frater tuus, vade & corripe eum.* As these have been rules unto the Supreme Councell and Committees to follow, so have they been Prospectives to Catholique Princes and Prelates, to behold the pure intention and constant resolution of the Confederate Catholiques, to maintaine & repaire the Catholique Faith. *Effugerunt aciem gladij, convalescunt de infirmitate, fortes facti sunt in bello, castra vertierunt exterorum.* The 30. Articles comprized in this Peace doe correspond to the foresaid 17. and 14. propositions: both being confronted will reveale what is granted unto the Confederate Catholiques and not granted; what slightly answered, and not answered at all; what covertly couched to delude the Reader, and what added without the kingdomes consent. *Cogitaverunt Confilia, quae non potuerunt stabilire.*

§. 1. Observations upon the first branche of the first Article of the Peace.

2. **H**is Maiesie is pleased (saith this first branche) that it SHALL BE provided by act of Parliament TO BE passed in the next Parliament TO BE held in this kingdome, that the Professors of the Roman Catholique Religion in the said kingdome, be not bound to take the Oath of SUPREMACY, expressed: 2. Elizabeth, &c. Observe (judicious Reader) what is here granted, is for the time to come, namely, when the Parliament SHALL BE; for the present & untill the Parliament SHALL BE, thou art left in statu, quo prius, as if there were no such article in rerum natura; & if a Parliament never BE, then art thou never exempted from this Oath. In the meane time, and for the present, even upon perfection of these Articles, the Lord Marques of Ormond, must be admitted unto the Chiefe government of the Forts, Cities, Townes and Garisons, which are in the possession of the Confederate Catholiques, & there to substitute his under Governors; hee is to command our Armies in the field, and to appoint other chiefe Commanders and Officers of Horse and Foote; he is to governe our Frigots by Sea,

Sea, to dispose of our Magazines, and dispense our powder and ammunition by land, &c. as you shall heare more fusely in our observations on the 25. Article. Verily *Julius Cesar* never obtained so great a victorie at so low a price against all his enemies, as the Marques gained against the Confederate Catholiques by this sordid Peace, could it receive acceptance among them. And when all is done, what have we, or shall wee gaine by this Article? Mary, that the Confederate Catholiques *be not bound to take the Oath of Supremacy expressed.* 2. *Eliz.* And that the refusal of the said Oath SHALL not redound to his preiudice. But if any Heretique Chiefe Governor shall present unto the Catholique, the Oath of *Supremacy* expressed in the statute of 28. *Hen.* 8. c. 13. How shall he avoid it, seeing by this branch he is exempted only from the Oath of. 2. *Eliz.* ? Marke, I beseech you, how cunningly the words are couched: it SHALL BE provided, &c. that the *Roman Catholique* shall not be bound, &c. here is no repeale of this statute or penall Law against the Catholiques; how then they may be securely provided, I conceive not? our observance on the next branch will discover the mysterie. Alderman *Richard Barnewall* (a good and honest Catholique) should be Maior of *Dublin* this yeare, in the absence of Alderman *Lake*, a heretique now siding with the Parliament: the Councell of *Dublin* knowing, that by this Article the Catholique Alderman was not yet exempted from the Oath of Supremacy (which he must have taken, if he were permitted to undergoe the office of Maioraltie) and fearing too timely to reveale the same, gave two hundred pound unto Mr. *Smith* (who was Maior the last yeare) to undergoe the said office for the Heretique *Lake*: so as the Councell had rather loose this 200. l. than that the Catholique should have the present benefit of this imaginarie exemption from the Oath of Supremacie. It had been *pricks* in the Heretiques eyes, to see a Catholique Alderman in *Dublin* goe to Masse with the Kings sword carried before him. *Ab initio autem non fuit sic.*

Matth. 19.

3. By this branch all the professors of the *Roman Catholique Religion*, (*propositio enim indefinita aequivalet universali*) are in appearance exempted from the Oath, and yet the principall members thereof, to wit, the Catholique Prelats, Clergie, Religious,

4 §. 1. Observations on the first branche

ligious and Schollers may have no benefit thereof, by reason of this annexed *Proviso* & So as by the same Act it is further provided and enacted, that if any Roman Catholique shall happen to be promoted, presented or advanced to any Ecclesiasticall promotion, dignitie or benefice, according to the forme now used in the Protestant Church of Ireland, that the freedome and exemption aforesaid shall not extend to any such Roman Catholique. By this surreptitious *Proviso* all Catholique Ecclesiasticks are yoaked under the heavy burden of the penall Law established in the 28. yeare of the raigne of Henry the 8. cap. 13. out of which I present the Reader with this scantlet, which concernes Ecclesiasticks onely: *It is enacted, &c. that all and every Ecclesiasticall Iudge, ordinary, Chancellour, Commissarie, Officiall, Vicar Generall, and other Ecclesiasticall Officer and Minister, shall before he take upon him, the execution of such office receive a Corporall Oath. 1. To renounce the Popes, his authoritie and Iurisdiction. 2. Never to consent, that he have or exercise any manner of power within this land. 3. That the King is the onely supreme head, &c. 4. That he sweare to defend the Lawes made against the Popes power. 5. That every Religious person, at the time of possession or entrie into Religion and every other Ecclesiasticall person, which shall be promoted or preferred to any degree of learning in any universitie &c. shall take the said Oath. 6. The obstinate refusall of this Oath is Treason.* Loe, the iniquitie of the Projectors of this *Proviso*: *Iniquitatem meditatus est in cubili suo: astitit omni via non bona.* We pray the secular Catholique to take a view of the same statute of 28. Hen. 8. established here in Ireland, and there he shall find himselfe involved in as much or more calamities, than the Ecclesiasticke, from which neither of both are freed by this fatall Peace.

Psal. 24. 4.

4. Neither ought any man be deluded by those words, which are added in the *Proviso* (according to the forme now used in the Protestant Church in Ireland) for it is knowne, most of the formes used in that new Church (chiefely in matter of promotion) is derived from the Catholique Church, which the Protestant-Church doth in that particularly Apishly imitate: so as if a Catholique Church-man desire to be promoted to any benefice, though it be according the forme of the Catholique Church, yet the Protestant Governors in this kingdome, will
saye,

say, that such promotion is according the forme of the Protestant Church, (because both are the same) and therefore compell the Catholique to take the Oath, or never promote him to any benefice. Moreover its knowne that our Kings of *England* have (in many cases) the presentation and nomination of fit persons to certaine dignities, &c. who might present a Catholique Priest, as well as a Protestant Minister to such dignities, if this cursed *Proviso* were not thrust in into this Article: and a Catholique Priest might still remaine a Catholique, and yet be promoted, presented and nominated by his Prince (though a Protestant) to any such dignities; examples whereof are frequent in *Germany*. This was foreseene by the Architects of this Article, who therefore couched the same so enigmatically.

5. Now least this one *Proviso* should not be sufficient to hinder the growth of Popery (as they speake in the deformed Gospellers language) this other is added: *If any being Protestant, being advanced, promoted or presented to any Ecclesiasticall benefice, dignitie or promotion, shall afterward become a Roman Catholique, that the exemption aforesaid shall not so farre extend to any such Roman Catholique, but that upon tender of the said oath, and refusal thereof, he be for that cause left subiect to the deprivation of the said benefice.* *Tota die meditabantur dolos.* What inventions are made to keepe up *Dagon* on the Altar: at *Ecce Dagon iacebat pronus in terra ante Arcam Domini*: had our Catholique Agents consulted with any indifferent divines in this particular, I believe, they had been told that with safetie of Conscience, they could never subscribe to such a *Proviso*. But alas they were all wiser than any divines: what necessitie was there to descend to such infamous Conditions with men, who had not wherewithall to subsist, but by our owne subsistence? *Curavimus Babylonem, & Ierem. 51. 9. non est sanata: derelinquamus eam, & eam usqueque in terram suam.* They ought rather to insilt on the Lawes of God and man; if any Catholique became Hereticke, he should be deprived of all benefices. As for the Oath of Supremacy it selfe, seeing all the Parliamentary Rebels in these three kingdoms have cancelled all obligations and statuts enforcing the taking thereof, to what purpose doe these seeming Royalists

See Stat.
2. & 2. Ph.
& Mar.

6 §. 2. Observations on the first branch

keepe all this racket to preserve it: as it suddenly crept in, and never landed in either of these three Isles before the revolt of Henry the eight; so is it like suddenly to vanish away? Most of them, that tooke it, hath joyned Treason to perjurie: we, that refused it, preserve loyaltie and Monarchie.

§. 2. Observations on the second branch of the said first Article.

IT is Further concluded (by that Article) that for all matters concerning the first Proposition of the said Catholiques, viz. (that all Acts made against the professors of the Roman Catholique faith, whereby any restraint, penaltie, mulct, or incapacitie may be laid upon the Roman Catholiques within the kingdome of Ireland may be repealed, and the said Catholiques to be allowed the freedom of the Roman catholique Religion) that his Maiesties said Roman Catholique subiects be referred to His Maiesties gracious favour, and further Concessions. Note, by the first proposition above mentioned is understood the first proposition of the seaventeene proposed by the Confederate Catholiques unto his Majestie in Aprill. 1644. and no concession granted by the Marques in his Majesties behalfe; wherein many men have foully erred, taking this for a grant, grace or favour conferred by His Majestie upon the Confederate Catholiques, which is indeed no other, than their demand or Proposition unto His Majestie. The occasion of this Error was the wilfull obscuritie used by the Contrivers of this Peace, in couching our Proposition so cunningly, without parenthesis or distinction of Characters, as the unwary Reader might take that for His Majesties Concession, which is but our owne Proposition, and thinke himselfe to be exempted from the Penall Lawes, and to bee allowed freedom of Religion; whereas in every deed there is no such matter; the Penall Lawes lye alwayes heavily

The fraud
of the second
branch
discovered

heavily on the Catholiques shoulders, and instead of taking them away, they are referred (forsooth) to His Majesties gracions favour and further Concessions: as if his Majesties Subjects could not have access unto him, or participate of His gracions favours, without such an *idle reference* and frivolous Article. His Majestie by the provocation of new Statists refers our Agents from England unto His Commissioner in Ireland, and His Commissioner in Ireland (after he had pomp'd us out drie) refers us backe unto His Majestie in England; so our grievances are redressed; so our Religion (which promise Royall, solemne oath, and ancient fundamentall lawes have warranted unto us) is secured. Might not our Committee of treatie after three yeares labour, and the consumption of more money, than would maintaine an Army in the field for halfe a yeare, truly say; *Preceptor per totam noctam laborantes nihil cepimus?* Be it spoken without disparagement to any (for in the cause of God wee must not feare to publish the sense of our soules) they cast not their nets on the right, but on the left hand, they seemed not to have looked so purely on Gods cause, as on flesh and blood. At that very time when His Majestie by the instigation of the Parliamentary and Scots Rebells commanded the Lord Marques of Ormond by his Missive Royall dated the 11. of June, 1646. *To proceede no further in treatie with the Irish, and not to engage him vpon any condition with them after sight of the same letters*, yea even then when his Majestie was in no better Condition, than of a prisoner with the Scots, & consequently, not at his owne libertie to give the Irish any favours, or further Concessions, it pleased our vigilant Committee of the Treatie to renounce all foregoing favours granted by his Majestie, and to rely on future favours and further Concessions, which (while His Majestie is in that posture) are impossible to be obtained.

Luc. 5. 5.

7. Before the effusion of so much blood by Heretiques, the exile of so many noble Catholiques, the devastation of so many Cities, Townes & Counties, the depredation of so many thousands of the Kings subjects, we received a far better answer from His Majestie himselfe, even upon this first proposition, as appeareth by the answers to our Propositions printed at Waterford in the yeare 1644. yea before our Agents left England, they received.

ceived far better satisfaction from His Majestie himselfe and had there made a happy Conclusion, had not the private letters of Statists (who are now like to sincke in their owne presumption) given impediment thereunto. Time run out, and His Majesties affaires begun to decline in England, which moved him to looke for succours from his Catholique subjects in Ireland, whose religion taught them to preserve faith to God, and loyaltie to their Sovereigne. Wherefore by his letter dated 27. February, 1644. he commanded the Marques of Ormond, to conclude a Peace With the Irish, Whatsoever it cost, &c. And if the suspension of Poynings Act for such Bills, as shall be agreed upon betweene you there (saith His Majestie) and the present taking away of the penall Lawes against the Papists by a law, will doe it, I shall not thinke it a hard bargaine, &c. This letter comming to the Marques of Ormonds hands was suppressed from the knowledge of the Confederate Catholiques; by which human policie all succours from Ireland to His Majestie into England were hindred, which was no small occasion of his Majesties present deplorable condition.

Glamorgan's Commission.

8. In the interim, His Majestie observing, that His letters and Commands were sleighted, and our succours in his pressing necessitie thereby retarded, was pleased to give a speciall Commission to Glamorgan, dated at Oxford the 12. of March, 1644. authorizing him to treat and conclude With the Confederate Catholiques of Ireland, if upon necessitie any thing should be condescended unto wherein His Majesties Lord Lieutenant could not be so well seene in, as not fit for His Majestie at the present publicly to owne &c. This Commission with the foresaid letter of the 27. of February coming to the knowledge of the Confederate Catholiques in August 1645. being then assembled at Kilkenny, caused the Marques of Ormond to use speedie prevention, least he should be excluded from sharing in the honour of the expected Peace. Wherefore he sends up to the Assembly his letter, with a paper therein inclosed, wherein was contained a briefe of such graces and Concessions, as he (in His Majesties Name) was pleased to grant unto the Catholiques. In the very first branch whereof, not a repeale of the penall Lawes, as His Majestie commanded, but an exemption from penalties, and incapacities

Ormonds Concession.

by

by reason of the exercise of our Religion, namely, for saying or bearing Masse, for hearing or making Confession, for giving or receiving absolution; for keeping a Priest; for Preaching of the Word of God; or administering the Sacraments. Item that the High Commission Court, and abuses of excommunication in the Article, &c. should be taken away; that the Catholics may keep their Liveries and Ouster les mains, upon taking the Oath of Allegiance onely. And this was the answer then given by the Lord Marquesto our first Proposition above mentioned n. 6. and read 14. Augusti. 1645. in the Assembly then held at Kilkenny, which, though it was far better than the answer given to the said proposition in this first Article of Peace, well nigh twelve moneths after, yet was it then rejected by the Assembly, chiefly because therein was no mention made of Churches, Church-livings, or spirituall iurisdiction. Now what power our Councell or Committees had from the Assembly to conclude a Peace (even then when we were in a better posture, than ever) upon worse conditions than those, which were offered unto us, when we were not in halfe so good a posture, I have not read in the journals, either of that or the following Assembly. To tell us, they relyed on Glamorgans Articles, is frivolous, as you shall heare in the third paragraphe. Wee could wish they did indeed rely constantly & resolutely, thereupon then should we little neede such frequent, tedious, and chargeable recourse to Dublin, to make a new Peace with them, who had lesse power, than Glamorgan. If they laboured so much to preserve Religion, King, and Countrey, as they laboured to preserve them, whose courses they saw, were directed, to destroy Religion, King, and Countrey, they should, and lawfully might, by vertue of Glamorgans commission proceed against them with as much violence and hostilitie, as ever they proceeded against Scot or Parliament.

9. On the 25. of August, 1645. the Peace was concluded with Glamorgan; the conditions thereof were upon oath to be kept secret, least the publication should prove prejudiciall to His Majestie, who had no lesse cause to feare his owne some friends at home and in Dublin, than hee had to feare the Parliament and the Scot. The Scale of secrecie being broken,

to § 2. Observations on the second branch

and all things revealed to the Marques of *Ormond* by some (as is suspected) of our owne Councell or Committees (though it be father'd on others) hee, who of all others should keepe such matters secret, published the same to the whole world. The Marques, Lord *Digbie* and others joyne their heads together: *convenerunt in unum adversus Dominum & adversus Christum, eius.* The Marques solemnly invites *Glamorgan* to keepe Christmas in *Dublin*. (*seorsim adduxit Abnerem Ioab ad medium porte, ut loqueretur ei in dolo.*) Where hee is intertain'd with close imprisonment in the Castle. The Emulous of Corrivalls and enemies of religion sollicite the noble Catholique to quit or surrender what power and Commission they then understood, hee had from the King. He (knowing what other more ample power hee had, which came not unto their knowledge, and fearing to come unto the Parliament-clawes) surrenders that power or commission, they knew he had; yet had not that surrender procured his libertie, were it not that the Catholique Confederats resolved to purchase it by their armes and blood.

Isal. 2. 2.

2 Reg. 3. 27.

Revocation of *Glamorgans* Commission.

2 Reg. 2. 32.

10. The emulous are ever suspicious, and the ambitious never secure. They observed *Glamorgan* after his release to prosecute his Commission with the Confederats, and preparations made by the Catholiques to succour His Majestie, wherefore another meane is excogitated; to wit an instrument of revocation of *Glamorgans* power is framed (its said) in *Dublin*, but dated at *Oxford* the 29. of *January*, 1645. which gave occasion to Noble *Glamorgan* and the kingdome to desist from the prosecution of their intended succours. The Marques being now freed from competencie with any corrivall, as he supposed (at

videbis emulum tuum in templo, in universis prosperis Israel) presseth on the conclusion of a peace by himselfe. A new Commission for a treatie is obtained 6. *Martij* 1645. from the new Councell, who were made, but foure dayes before. The Articles of Peace (which were long before a moulding) are posted on, and delivered by the Viscount *Muskery*. 14. *eiusdem*, to *M. Darcy*, at eight of the clocke at night, and signed and sealed only, the 28. of the same moneth, maugre the opposition of the Lord *Nuncius*, the Lord *Glamorgan*, and the generall Assembly held

at

at Kilkenny the *February* before, as you shall heare more fully hereafter. With like opposition were the same Articles illegally DELIVERED in the Lord Marques his cabinet in the mid-night of secrecie the 27. of *July* 1646. after the Catholiques trophées erected against their Enemies in *Ulster* and *Connaught*, and after the knowne revocation of the Marques of *Ormonds* Commission by His Majesties aforesaid letter dated 11. *Junij*, 1646. The officious proctors who were fellow-labourers in inhancing this Peace, are known to be such as lent thousands of pounds to the Marques of *Ormond* since these tumults, who are thought, to hazard their Religion to secure their moneyes! How such kinde of CREATURES have crept into our Councell and Committees, the world hath admired. Some *Arguses* have observed, that matters of secrecie, which concerned the King, if they trench'd on *Ormond*, were revealed; other secrecie which concerned *Ormond*, though they touched Religion, King and Countrey, were kept with as much privacy, as the things contained in the booke of the *seven seales*; *Apoc. s. 1.* whence they inferre that our people intention was not so purely for Religion, King and Countrey, as for *flesh and blood*.

II. Our Committee, to excuse themselves, impose the fault on the Marques, affirming, that whensoever they demanded any of those first promised conditions, hee alwayes thwarted their demand by some contrary proposition: for example, *Sup. n. 8.* when they demanded the free exercise of their Religion, according to his own overture in publique assemblée, hee answered; you shall indeed, but not in Churches. When they demanded the repeale of the penall lawes made against the Catholiques; hee returned this frivolous answer, that such repeale could not be, granted, without the repeale of the penall lawes made against the Protestants also; whereby they were obliged to heare or read the Booke of Common Prayer in Churches, whereunto hee would not condescend; tacitly intimating thereby, that he resolved in oportune time to deprive us of our Churches. If such fly evasions were reply-worthy, it might be asked, what connexion is there betweene the penall lawes made against the Catholiques and those made against the Protestants, that the one can not be repealed without the other? are not the lawes,
the

12 §. 3. Observations on the second branch

the branches and members thereof distinct? If there were no Churches *in verum natura*, would the Protestants incur the penalties of the law, if (in that case) they read not the booke of Common Prayer in Churches: or if their devotion be so fiery, as they will needs read their prophane service in Churches; why build they not Churches for themselves? or why might not a kitchen, or stable serve them for a Church, and a tub for a pulpit, as it serves their zealous brethren in England, but needs they must prey on the Catholique Churches? why doe they not renounce the Popish Churches and Church-livings, as they renounce the Popish doctrine and regular discipline? whence sprung this late hatch'd zeale in those Sect-masters, who in one yeare demolished or prophaned ten thousand Churches, monasteries and Sanctuaries? some are of opinion (but I'll suspend my judgement) that such luke-warme Brethren should be assigned for the exercise of their devotion, such Churches as they may lay hold on in the *Antipodes*, or in *Concavo Luna*, where they may be separated from the Tents of *Israel*, from the botch of Poperie, to speake in their dialect. That moves me to laughter, to see the fervour of the brethren of *Dublin* endeavouring to preserve the use and exercise of the Booke of Common Prayer, when as all *Scotland*, and all the Parliamentaries of *England*, and *Ireland*, have, even by the (a) kings owne consent, rejected the same; and I believe the Marques himselfe hath (ere now) cast of his devotion to it, if hee hath cast off his loyaltie to his Sovereigne, as is said, hee hath. Now when all the Heretiques of these three Ilands have rejected that *Babill*, must the Catholiques of *Ireland* preserve it, and become *Vltiores Baal*?

(a) Proclam. calling it backe from *Scotland*, and declar. 29. Januar. 1645.
Judic. 6. 21.

12. But I returne from this small digression: whether shall wee applaude the Marques, for his zeale in defence of his abortive Sect, or reprehend our Committee for pusillanimitie in defence of the Catholique faith? whether shall wee accuse the Marques for recoiling from his solemne promise; or our Agents for transcending their Commission: the Marques for transgressing his Masters commands, or our Agents for contemning them? *Lapis offensionis*, *Glamorgans* articles, were thought to have bene removed, and that gave

occasion

occasion of *Ormonds* retrocession. But if neither honour to God, advance to Religion, securitie to Sovereigne, libertie to subject did result from this Peace? if neither necessitie on our part, nor utilitie on the Kings part, no obligation of Law, did enforce this Peace, what reasonable motive could there be to induce our Agents to condescend thereunto? *frater enim & caro nostra est.* I am ashamed to speake what those of most integrity amongst that Councell and Committees have ingeniously confessed, that if they consented not to this fatall peace, they were like to have a rupture, or division among themselves, so powerfull was the faction, even in our owne bosome. If any motion were made in our Councell or Committees in the behalfe of the Marques of *Ormond*, the * soundest part of either, dared not open their mouth against it, being assured, his opposition would be (notwithstanding all oath of secrecie) revealed in *Dublin*; So as the Marques was noted to have more power and authoritie in our Councell and Committees than he had in his owne Councell in *Dublin*. What did we gaine by joyning with him, who had neither men, meate, money, or ammunition, but what he had from our own hands, and what should we loose by being at distance with him, who (notwithstanding the excessive impositions and excises taken up from those of his quarters these three yeares past) was as unable, as unwilling to use any act of hostilitie against the Kings enemies in this kingdome? *Prudentibus loquor vos ipsi indicate quod dico* 1. Cor. 10. 15. more elsewhere.

Gen. 37. 27.

*These are called by factionists the ill-affected of the Councell.

§. 3. Whether Glamorgans Peace be either expressly, or implicitly included in this Peace?

13. The Authors of this Peace have and doe still confesse; that this Peace in it selfe, as it's comprized in the 30. Articles signed and sealed 28. Martij, bringeth no securitie to Religion or Countrey, but as it hath relation to Glamorgans Articles and other Concessions. I say (and I am perswaded every indifferent judgement will joyne in opinion with me) that this peace is so farre from including either expressly or implicitly, Glamorgans Articles, or any other favors or graces already granted, as it rather renoun-

First reason, that Glamorgans Peace is not in this included.

2. Reason.

ceith and waveth the benefit of all, and relies wholly on future. That which we demanded in our first Proposition, was a *repeale of the penall lawes, and free exercise of the Catholique Religion*. That which Glamorgan hath granted us is the same, together with the securitie of our Churches and Church-livings, &c. The selfe same, and what graces soever els have beene granted unto us, are those, which by the second branch of this Article our Committee hath consented, should be *referred to his Majesties gracious favour and further Concessions*; and if this be not to wave the benefit of al graces already granted, I appeale unto all indifferent judgments. See above n. 8. These following words in the same Article (*the chiefe Governor for the time being SHALL cause whatsoever SHALBE further directed by His Majestie to be passed in Parliament, &c.*) manifestly convinceth, that reference to His Majestie to have relation to the future, and not to the time past, & that the graces and concessions here referred to His Majestie, are those which have beene already granted, and by us waved: wherfore the Committee of treatie had deserved more thanks, if they entirely omitted that branch of the Articles, then any way to have expressed it. Neither can the Word (*further*) have relation to any other *Concessions*, than to the *Concessions* immediately mentioned in the same Article, namely the *exemption from the oath of Supremacy*.

3. Reason.

4. Reason.

5. Reason.

14. May not the world judge our Commissioners culpably negligent (to use no sharper language) who even then, when our Armies triumphed in the field, and tooke in many garrisons) would leave an Article of such high concernment, to the interpretation, exposition, and construction of our sworn Enemies. Wee have on the one side excluded our selves by the second Article of this Peace from moving any thing to be past the next Parliament, but what here is expressly agreed upon; and on the other side wee have left it free unto the Lord Marques and his Successors, to *propound or conclude* such other things, as he or they shall thinke fit *for the advancement of His Majesties service, and the Peace of the kingdome, Which clause is to admit no construction, Which may trench upon these Articles, or any of them*; Now in case the Lord Lieutenant shall expound in the next Parliament his owne meaning, and declare in plaine termes,

Glamorgans peace not intended in this
 tearmes, that it was never his intention to give us any allow-
 ance of *Glamorgans* articles, what shall become of the Confe-
 derate Catholiques, or of the private intention of our Com-
 missioners? nay the Marques of *Ormond* will appeale to our
 Commissioners owne conscience, whether he did not often
 admonish them, as well by himselfe, as by *Sir George Hamilton*,
 and *Colonell Barry*, that he would never give consent, that the
 Articles of *Glamorgan* should passe or take effect in Parliament.
 Yea the Supreme Councell it selfe, as appeareth by their letters
 unto the Lord *Nuncios*, dated at *Lammericke*, the first of *June*,
 manifested their resolution to publish *Ormonds* peace, which
 they shortly expected, and not to publish *Glamorgans*; and
 this was cloaked with a specious pretext, that such suppression
 of *Glamorgans* peace was in *maini Catholica Religionis bonum*; The Coun-
cell would
not print
or publish
*Glamor-
gans* Con-
cessions,
 whereas it is well knowne, they suppressed the same, because
 the Marques of *Ormond* did resolve to set forth a publike pro-
 testation in print against them and that Peace, in case they did
 publish the same. Neither had *Glamorgans* Peace beene either
 printed or published to this day, had not the Clergie by their
 five Propositions sent unto the Councell from *Waterford* to
Kilkenny, enforced them thereunto. And though they were
 thereupon printed (to decline the just complaints and exclama-
 tions of the people) yet was the publication of them forthwith
 suppressed, as much as in them lay. The Lord *Digby* (among
 others) was an eye-witnesse of the signing and sealing of these
 Articles of Peace; and he was so farre from acknowledging,
 that by those further Concessions mentioned in this second
 branch of the Articles, either of both parties (the Marques
 or our Committee) intended *Glamorgans* Articles, as after-
 wards going into *France*, he publicly declared upon his ho-
 nour, that the *Irish* were pleased to renounce the benefit of *Gla-*
morgans Peace, which he would never presume to doe, were he
 not certaine of our Committees resolution, when they signed
 and sealed the Peace. And least this Noble witnesse should be
 suspected, we pray the Reader to satisfie his owne conscience in
 this particular, by conferring upon opportunity with *Sir Mo-*
rish Eustace, Doctor *Fennell*, the Marques *Clanrichard*, the Lord
Taffe, *Monsieur du Molin*, *Daniell O Neale*, the Earle of *Ros-*
common,

6. Reason.

7. Reason.

8. Reason.
Witnesses
present are
appealed
unto.

16
 15. 3. 4. *OBSERVATIONS ON THE SECOND BRANCH*
common, Lord Dillon, Colonell Trafford, and George Lane, or
either of them, who were present at the signing or delivery of
the Articles of Peace, who will declare the truth of this bu-
sinesse, whether ever our Committee of the treatie did once
move the Lord Marques or signifie unto him in the presence of
any of these witnesses, before they signed or delivered these Ar-
ticles, that by these words (further Concessions) they intended to
have the benefit of Glamorgans Articles. True it is, that after
all things were accomplished, they moved the Marques there-
of, who flatly told them he never meant to allow or approve
by those words Glamorgans Articles: notwithstanding all
which, our Councell, Committees and Agents delude the
kingdome, that Glamorgans Articles are included in this
Peace.

The Com-
 mittees ex-
 cuse frivo-
 lous.

15. Yea, but *there is a power* (say our Committees) *left in the*
late Supreme Councell to convocate a generall Assembly and to cause
the kingdome to resume armes in case the bill to be presented to the
Parliament for confirmation of Glamorgans Articles, be not permit-
ted to passe. These are old *Adams* garments made of fig-leaves
 to cover the enormitie of the crime; for neither is there any
 such power left them by the Articles of *Ormonds* Peace, (which
 alone can bind him, and the future Parliament, to passe the
 bill) neither have I read of any Act of Assembly, which gives
 them any such power; And is it not (thinke you) a faire time to
 resume armes, when the enemy is put in possession of our
 Townes, Garrisons, Forts and other holts by our owne selves,
 and the command of our Armies, Magazines, and shipping,
 given unto him? By what right may wee resume armes against
 him or any other for not consenting to the confirmation of
Glamorgans Articles by Parliament, seeing neither he, nor any
 for him, was ever obliged thereunto? How doe those men
 thinke, they shall be then able to take Armes against him or a-
 ny of other; when their Armies, Command, and Government
 are in their enemies obedience, and his power thereby much
 augmented, seeing that they themselves confesse, they are not
 able, *now* to take armes against him, when Armies, Command,
 and Government are in their owne hands, and their power
 stronger than ever, its like to be, Wee should then indeed be
 Rebels,

Rebells, who were ever good Subject before, and take Armes against that Peace, which we our selves under hand and seale concluded.

16. If *Belzebub princeps demoniorum*, were to invent a stratagem to shut up the sluces of his Majesties bounty from granting us any *graces or further Concessions*, he could never invent a more wicked, then this: for if His Majestie be once enformed that we have already accepted such base conditions, he cannot with honour or securitie grant us better, or if he were disposed to grant us better, if they came not before the next *November* (when the Parliament was to sit) they would prove little usefull unto us, seeing they could not be confirmed by that Parliament: or if they came before the sitting of the Parliament, they might peradventure come, into the hands of such Hacksters, as would suppress the same, as those letters of His Majesties were, which were dated the 27. of *February* 1644. Nay though they were come timely unto the hands of the Catholics, yet could they availle us nothing, seeing nothing is to passe in that Parliament, but what is included in these Articles, as appeareth by the second Article of this Peace. And what greater honour could his Excellency get from King and Parliament, than to have concluded a peace (and that without blowes) more advantagious for the new deformed Church, than either King or Parliament of themselves could doe; or what greater dishonour could the Catholique Confederats get among forrain Princes and Prelats, than to have concluded a Peace with a Protestant or Puritan subject on more base conditions, than they might conclude with a Catholique subject of the greatest extraction in *England*, authorized by His Majestie in the greatest trust and confidence. Yea, to accept of a worse peace from the subject, than they might have had from their Prince. This was to hazard the Prince and to ingratiate the subject with the Prince his enemies.

How mischievous this branch is.

17. I am perswaded, if we had so much assisted the Parliament, and given them as large contributions, as we have done to *Ormond*, we should obtaine better conditions from them, if we held it not disloyaltie to treat with such Rebells. Yet suppose we were driven to resume armes, would it not

18 §. 3. 4. Observations on the second branch presently follow, that we should be first deprived of what pettie favours are granted by these Articles, then indited, and inquisition taken on gentlemens lands; afterward all the calamitie that could befall one nation, should be heaped on us. And being thus strip'd from our Armes, Ammunition, Shipping, Government and Command, wee should be left desolate, and as Lambs exposed to the jawes of those wolves, who have vowed the destruction of us and our Religion. In vaine should wee then expect succours from forrain Catholique Princes or Prelats, who having observed our tergiversation in the cause of God by yeelding to a Peace no way answerable to our first resolutions, would let us sinke in our owne miserie without their aide or Armes; and proclaime unto the world (as already some have done) *one Butler hath intoxicated all the Confederate Catholiques in Ireland.* And this is all the benefit we should gaine by this desperate resumption of armes. Certes were the contrivers of this Peace to purchase a peece of land for themselves and their heires, they had been more carefull to provide and perfect sure and valide instruments to secure such lands, than they have beene to provide and perfect sure and valid instruments for the securing of Gods Church and this distressed Nation. *Vocaverunt nomina sua in terris suis.* They observed the validitie of *Glamorgans* Peace to be questioned: they should therefore provide more strings than one to there bow, and cause those Articles to passe in Parliament with these; or

Psal. 48. 12.

Ecc. 4. 12. never consent to a Peace. *Funiculus triplex difficile rumpitur.*

§. 4. By the second branch is taken away the graces granted in the first branch, in the seaventh and other Articles.

18. BY this branch, ALL ACTS, whereby any restraint, penaltie, mulct, or incapacitie may be layd on Catholiques are referred (as you have heard) to His Majesties graces and further concessions: none taken away. Among ALL those ACTS are comprehended the ACT of taking the oath of Supremacie, and the PENALTIES that follow by refusing the same; from which wee are exempted (or at least to be exempted the next Parliament) by the first branch. By this branch wee are

neighbour

neither exempted from oath, nor from the penalties thereof, but *referred to His Majesties graces*; So as neither Ecclesiasticall nor secular is exempted truly and really from either oath of Supremacie or from the penalties, which follow by denying the same. See above §. 1. n. 3. the penalties against the Ecclesiastiques; and much more against the Seculars, who deny the same oath, in the Statute of 28. Hen. 8. c. 13. and 2. Eliz. 1. 2. by which no Catholique is capable of any office or place of trust, honour, profit or command in Civill or Martiall government. Whereas then in the seventh Article of this Peace it is granted, that all *incapacities* imposed upon the *Natives*, shall be taken away by Act of Parliament, this second branch crosseth that Article, and reserves the taking away of those *incapacities* into His Majesties future graces and further Concessions. The same we say of the 8. Article, where it is granted (*that places of command, honour, profit, and trust in His Majesties Armies and in Civill government shall be conferred upon Catholiques*) by this branch they are not actually to be conferred, but to be referred to His Majesties future graces; for unlesse all Incapacities and the oath of Supremacie be taken away, Catholique Seculars are as incapable of places in the Civill and Martiall government, as Catholique Ecclesiastiques are of places in the Ecclesiasticall. So likewise by this branch of the first Article; the Catholiques are referred unto His Majesties future graces, for the allowance of the *freedome of the Roman Catholique Religion*: doth not this crosse what His Majestie seemeth to grant in that part of the 7. Article, touching the *erecting of universities, and keeping of free-Schooles*? observe well, this universall proposition (*ALL ACTS, &c. are referred*) admits no exception, when it comes to the interpretation of our Adversaries.

§. 5. *The labyrinth of calamities Wherein the Catholiques are like to be involved by the continuance of the penall Lawes in force.*

19. **T**Hese calamities are in some sort decyphred by our own Lawyers, even by such as were authors of this peace, in these words. *By one Statute found among the Records of Parliament*

See Pro-
positions
and An-
swers prin-
ted at Wa-
terford
1644. pag.
50.

20 §. 5. The Calamities which follow

ment of this kingdome in the second yeare of the raigne of the late *Queene Elizabeth* cap. 1. & 2. the said *Catholiques* are made sub-
ject to the arbitrary power of an high *Commission Court*, or other *Com-
missioners* to be appointed by His *Maestie*, or the *Lord Deputie* for
the time being, and may be questioned, and punished for all offences
touching Religion. *Irish Statuts* fol. 261. likewise fol. 270. and
271. the *Archbishops*, *Bishops*, and *Ordinaries* of another Religion
have heavily punished, and may still punish the said *Catholiques*
for *Marriages*, *Christenings*, done according to the *Catholique Re-
ligion*, and every *Catholique* was driven to pay nine pence every *Sun-
day* for not repaying to Church, to the great impoverishment
and destruction of the said *Catholiques*, and no profit at all to His
Maestie.

By the said Statute, fol. 261. and 262. not onely the *Catho-
lique Clergie*, are excluded from all dignities and benefices *Eccle-
siasticall*, but likewise the *Catholique Laytie* of all degrees and qua-
lities, are rendered incapable of all *Civill offices*, from the highest indge
to the petty *Constable*, and likewise from *Martiall offices* or *employ-
ments*, even to be a common *Souldier* in His *Maesties Army*,
Where any fee or *Wages* are due, without first taking the *Oath of
Supremacie*; and upon refusall of the said *Oath*, all dignities, offices,
or *Wages* are forfeited.

No *Catholique* can sue *Liverie* or *Ouster le maine* for his estate
or any part thereof out of His *Maesties hands* without taking the
said *Oath* by the same Statute of 2. *Elizabeth*. cap. 1. fol. 265. a.
If any *Catholique* of what estate, degree, or qualitie soever with-
in this kingdome doe by *Writing*, *printing*, *teaching*, *preaching*, *ex-
presse words*, *deede* or *act*, *affirme*, *hold*, *stand With*, *set forth*, and
maintaine any other authority, prebeminence, power, or *iurisdiction*
in matters *Ecclesiasticall* or *Spirituall*; then the person so offending,
his abettors, ayders, promoters; and counsellors, shall for the first
offence, forfeyte their goods and *Leases*, and suffer imprisonment for
one yeare; for the second offence, incurre the paines and forfeitures
set downe by the Statutes of *Provision* and *Præmunire*, whereby
the offender is put out of the *Kings protection*, imprisoned during his
life, and his goods and lands forfeited: For the third offence, the
offender is punishable, as in case of high *Treason*.

Then by consequence, if any of the *Catholique Laytie* take or pro-
cure

the not repealing the Penall Lawes. 21

cure a dispensation for marriage within the eight degree, or any other licence or dispensation from any authorised by the See of Rome, is a principall offender, and if he heares the Masse or Sermon of any deriving power from thence, and keep him in his house, hee is punishable as an ayder and abettor within the words of the Statute, he knowing that whereof he cannot be ignorant by the rules of his profession.

See the Irish Statut of 28. Hen. 8. c. 2. pag. 90. 91. where marriages contracted within the degrees prohibited by the Leviticall Law, are declared indispensable and invalid, and the issue of such marriages illegitimate which is to follow Iudaisme, and renounce Christianisme, and to hazard the estate of many Catholiques, under pretext of bastardie.

20. Bolton in his *Iussice of Peace*, doth register among the Pag. 22.
Articles to be enquired of by the grand-Iury, as an offence the hearing of Masse: for the first offence (for hearing Masse) the Catholique is to be fined a hundred markes; for the second foure hundred markes; for the third the forfeiture of goods and perpetuall imprisonment. Item the purchasing of any provision, Bull, Pag. 9.
or other proceffe from the Court of Rome: the obeying of any such proceffe procured from Rome: the prosecuting of any cause in any Ecclesiasticall Court, which originally belongeth to the Kings temporall Court, is punished by the Statut of PRÆMUNIRE and forfeiture of lands, goods, and chattells, and perpetuall imprisonment. Item, Pag. 10.
depraving the Booke of Common prayer by word or by writing, or using any other Common prayer, or administration of Sacraments, than is prescribed in that booke, punishable for the first offence the profits of all the offenders, Spirituall promotions, and six moneths imprisonment: for the second offence, deprivation, and a yeares imprisonment; for the third time, imprisonment during life, and deprivation in spirituall persons, &c. See much more in the same Articles to be inquired of by the grand-Iury, wherein also it is declared a crime of high treason to take the name of Oneale, or Pag. 3.
anything by colour of that name or dignitie. Yet we hope by their loyall service to His Majestie in these warres of Ireland, that name will prove more faithfull to the Crowne of England, then all the Parliamentary Round-heads in the three kingdomes.

21. The Wearing of Irish apparell and not using the English, Pag. 18.
hit and language is there also laid downe as a hainous offence in-
F quirable

22 §. 5. The Calamities which follow

quirable by the *grand-Jury*: the punishment for every Lord Spirituall and temporall Wearing Irish apparell, or speaking Irish is 6. l. 13. s. 4. d. for every Knight and Esquire 40. s. for every gentleman or marchant 20. s. for every freeholder and yeoman 10. s. for every husband-man 6. s. 8. d. and for all others 3. s. 4. d. The Author of that *Iustice of Peace* hath bene heard to have uttered in the Assizes held at *Kilmainam* not long before these distempers, these words sitting at the bench: *I hope to see the day, and that ere long, that there shall be left no man in Ireland that shall speake Irish: farre be it from any Irish Catholique to render Legem Talionis, to wit, by wishing to see that day, that no man should be in Ireland that spoke English or weare English apparell. How ever the heresie lately spread in England hath sowed the seed of division betweene both nations, yet shall that tradition of antiquitie be ever verified in the Catholique Irish: Gens innocua & amicissima Anglorum. Vt vincant in bono malum.*

Bed. hist.
Anglic. &
alij hist.
Ang.

20. What was wanting of crueltie in the Penall Lawes established in *Ireland* for punishing of Catholiques, hath bene supplied by unwarrantable ACTS OF STATE and severe EDICTS set forth by the ministers of iniquitie in *Ireland* against the distressed *Irish Catholiques*. And wee have seene (so have thousands moe) venerable Priests brought into the *Castle-Chrmer* of *Dublin*, and there deeply censured for exercising of their function, in the Conversion of soules unto the faith of Christ; others brought into the Kings Bench for marrying a couple, betweene whom there was no Canonically impediment: others brought into the High-Commission Court, for other imaginarie offences, where the rule of law was no other, than the arbitrarie exorbitant power of two dissolute Ministers. much more I here omit, reserving the same for its proper place. I conclude this Article (wherein I have spent more time, than I expected) which the sweet saying of the *Doctor of Nations*. Call to minde (my beloved Countreyemen) the old dayes: wherein being illuminated, you sustained a great Conflict of passions: and on the one part, certes by reproches and tribulations made a spectacle: and on the other part, &c. you tooke with ioy the spoile of your owne goods, knowing that you have a better and a permanent substance: and

Heb. 10. 32.
33.

the not repealing of the Penall Lawes. 23

and know : *manet alta mente repositum* ; if your Enemies once againe fetter you in the shacles of servitude , they will (like the Egyptians) multiply your labours , and aggravat your punishments. Be not slaves ; you were borne a free Nation. Looke not backe with the *Israelits* on the flesh-pots of *Egipt* , least you pertake of their punishment. That these forementioned penalties have been *DE FACTO* inflicted on yee ; the racks and prisons can witnesse ; but whether they ought to be *DE IVRE* by vertue of the Statut of 2. *Elizab.* shall be elsewhere questioned : That our adversaries resolve to put in execution against you the like penalties hereafter , if ever they have power , is evident by the Marques his falling backe in this Peace from those very Concessions , which he once granted in publike assembly , whereof above number. 8. And out of our observations on this Article onely , the Impartiall Reader may give sentence , whether the foresaid peace be not *destructive* to the Catholique faith , disadvantageous to His Majestie , pernicious to His *Catholique subiects* , and *favourable to Heretiques* , as in the frontispice of this Survey we avouched :

§. 6. Observations upon the second Article of the Peace.

1. **I**N our second Proposition we humbly prayed that His Majestie would be pleased to call a free Parliament , *&c.* and *Poynings Act* suspended during that Parliament , for the speedie settlement of the present affaires , and the repeale thereof to be there further considered of. His Majestie by His letters of the 27. of February above mentioned condescendeth in particular to the suspension of *Poynings Act* , and by his answer to this our second proposition is pleased that a free Parliament be called upon without giving to His Lieutenant or other chiefe governour a boundlesse libertie to present to the same Parliament such other things , as he shall thinke fit to propound over and above the points and Articles by the present Peace concluded. In opposition (as it should seeme) to those Princely favours it is concluded in this Article , that all matters agreed on by these present Articles to be passed in Parliament , shall be transmitted into England , according

The suspension of *Poynings Act* Law granted by the King , denied by the subject.

24 §. 6. Observations on the 2. Article

according the usuall forme to be passed in the said Parliament. And that the said ACTS TO BE agreed on, and so TO BE passed shall receive no alteration or diminution here or in England. In which sentence two things are included; MATTERS already agreed on, by these Articles; and ACTS not yet, but TO BE agreed on. The later onely are to be passed in Parliament without alteration or diminution: And what they shall be, which shall be agreed on, no man knowes, unlesse we conjecture them to be such Articles, as the chiefe governor shall at his owne liberty propound. The former, to wit, matters already agreed on by these Articles of Peace, as they are to be transmitted into England, so are they subject to alteration and diminution. What then will this specious Peace availe us? In the later part it is said, the said Acts to be agreed on, and yet in that article he speaketh not of Acts before, which renders that sentence nugatorie and illusive. In corde & corde locuti sunt.

Ipsal. ix. 3.

2. Its provided, that nothing shall bee concluded in Parliament prejudiciall to the Protestant or Catholique partie, or their adherents; other then such things, as upon this treatie *SHALL BE concluded to be done*. How then shall the Confederate Catholiques obtaine the benefit of *Glamorgans Concessions*, or of any other *graces or further concessions*, (whereunto the Catholiques are referred) seeing they are not concluded upon in this Treatie? Here the Catholique Confederats mouthes are shut up, and their hands are bound up; but the *Lieutenant or other chiefe Governor*, is left to his libertie, to *propound to either or both houses during the said Parliament* what he shall thinke fit, for the advancement of *His Maiesties service*, and the *Peace of the Kingdome*, which clause is to admit no construction which may trench upon these Articles or any of them. What then shall become of our Commissioners desperate construction, trenching upon these Articles, by intrusion of *Glamorgans Articles* contrarie to the expresse resolution of the Lord Lieutenant? And if the Lord Lieutenant, according to the power given him by the second article will *propound to the Parliament*, that *Glamorgans Articles*, nor any other *Concessions*, not here expressly and actually agreed upon, shall ever be admitted: how will our zealous Commissioners get off?

3. Where-

Injuries by not suspending Poynings act. 25

3. Wherefore by this second Article of the Peace two insupportable injuries have been offered unto the Parliaments of this kingdome, and vnto the liberties of the whole nation: the one is, the not repealing, or (at least) *suspension of Poynings act*; the other is, the giving of such exorbitant power unto any Chiefe Governour, (a subject) to *propound*, and in propounding to conclude by Parliament what Act he thinke fit to propound, so as it carry any shew of advancement of His Majesties service, or Peace of the kingdome. The substance of *Poynings Act* is, that no Parliament be held in Ireland, but at such season, as the Kings Lieutenant and Counsaile there first doe certifie the king under the great Seale of that land the causes and Considerations, and all such Acts as them seemeth should passe in the same Parliament, and such causes, considerations and Acts affirmed by the king and His Counsaile to be good & expedient for that land, and His licence thereupon, as well in affirmation of the said Causes and Acts, as to summon the said Parliament under His great Seale of England had and obtained; that done a Parliament to be had and holden after the forme and effect afore rehearsed, &c. By this Act every meane judgment may observe, that there is neither libertie, power or authoritie left in any the Parliaments of Ireland: not libertie, because they can treate of nothing, but what is determined and limited unto them by the Kings Lieutenant and Councell in Ireland, and by the King himselve and his Councell in England: not power or authoritie; because, in very deed, its not our Parliament, but our King himselve, his Lieutenant, and both the Councells, which conclude (as they determine) all Acts past in that Parliament. So as our Parliaments, while this Act hath force, have onely the name and title of a Parliament, but in effect is no true Parliament; and the Acts so past in that Parliament, may be rather called Acts of State of the privie Councell of England and Ireland, than Acts of Parliament of the whole kingdome of Ireland.

4. The reason wherefore Ireland yielded unto this Act in the dayes of Henry the seventh, was (as I am informed by the learned in the lawes of this kingdome) that some Chiefe Governours here ruling for our Kings, assumed unto themselves too great power, and endeavoured to passe in Parliament Acts

10. Hen.
7. c. 4. pag.
55. 56.
Irish Statutes.

Why Poynings act at first past.

26 §. 6. Observat. on the. 2. art. Poynings act

conducting to their owne ends and interests, but burdensome to the whole kingdome; which caused the subject to shroud himselfe under the wings of his Prince, who might moderate the excesses of such chiefe Governors. Now by this second Article of Peace, that exorbitancie of chiefe Governors, which the kingdome, then endeavoured to prevent by condescending to *Poynings act*, is not onely countenanced, but by article in the whole kingdomes name established, and withall *Poynings act* (which in these dayes of heresie is a more heavy grievance, than the other) is continued in its full force and vigour: *Ormond* (as chiefe Governour is licenced (yea, in a manner authorized) to *propound* and *conclude* what he please in our Parliament; & *Poynings act* observed; because what Bills must passe in Parliament must be *transmitted into England, according the usual forme*. This maketh strongly for the justification of the Clergies decree of perjurie against such, as herein violated that branch of the oath of Association obliging them to *maintaine & defend the priviledges, & iust rights of the Parliaments of Ireland*.

5. Our learned Lawyers (I meane such, as elaborated this Peace) tell us, it was alwayes doubted, whether the *repeale of Poynings Act* would prove profitable or prejudiciall to the Countrey. And wee tell them, its one thing to speake of the *repeale of Poynings act*, and another thing to speake of the *suspension* thereof for the present time: the first was absolutely demanded by us in our declaration set forth in the yeare 1642. the later absolutely demanded, as well in our grievances presented to His Majestie 17. March, 1642. as in our second proposition, where the whole kingdome declared that the present *suspension of Poynings act* conduced to the *speedy settlement of the affaires of the kingdome*. I could wish our Committees did herein follow their Commission, and *not to be more wise then becometh, but to be wise to sobrietie*: Our forefathers (28. Hen. 8. c. 4. and 11. Elizabetha) held the *suspension of Poynings act* very necessarie and profitable to the kingdome: I know not of any infused science our Committees have had in this particular, more than the whole kingdome then and now. Our Sovereigne held it a grace and favour to grant it us, and we to receive it from him. Our Committee to comply with one subject, reject the Kings graces, and

and Elizabeths penall lawes how admitted. 27

and transgresse the commission given them by the whole king-
dome. *Multum erigimini filij Levi.* It is thought, they (by Numb. 26.
7. vertue of the Kings letter 27. February 1644. whereby he granted the suspension of *Poynings* act) might passe an act in the present dismembred Parliament at *Dublin*, that in the future Parliament, *Poynings* act should be suspended; and so the delay prevented, which our Committee pretend they feared.

6. Is there any man, that desires the securitie of the Catholique Religion, and libertie of his Countrey, that will not confidently affirme, that the absolute *repeale* of that act in these times of heresie is most necessarie, aswell for the Catholiques of *Ireland*, as for the whole kingdome? Put the case, wee were now (as indeed we are, and ought to be) of a resolution to establish and secure the Catholique faith against those enraging Wolves who endeavour to abolish both Religion and Sovereignty; is it possible that wee shall be ever able to compass the same, while *Poynings* act hath force or vigour; when as by that act, wee must first have the consent of the Lieutenant and Councell of *Ireland* (who have sworn to destroy the Catholique Religion) and after the consent of the king and Councell in *England* (who endeavour to maintaine the Protestant profession) before any thing can be enacted or established by Act of Parliament in this kingdome, for establishing or securing the same Catholique Religion. Whereas if *Poynings* act were repealed, and a free Parliament, sutable to the nature of true Parliaments, and liberties of a free Nation, were granted unto us; we should not only be enabled to passe Acts in the name of the whole kingdome to secure our Religion, but also to assist our Sovereigne, and to curb the insolencie of those rebellious subjects, who labour to destroy both.

7. I have ever admired how the acts of 2. *Eliz.* and the penall lawes against the Catholique Religion could passe in Parliament in this Catholique kingdome, where there were then ten Catholiques for one Heretique. By conference with a learned Lawyer (one well seene in these assayres) and by reading some histories, I found indeed that such acts past in *Ireland* by faction, fraud, and violence. 2. *Elizabetha*, the Parliament in *Dublin* on *May*-eve, was proroged untill the next day

How the
penall
lawes past
in Ireland.
2. *Eliz.*
Hisor.
Cathol.
Hiber. 10.
4. l. 2. pag.
251.

28 §. 6. Observat. on the 2. art. of Poynings act

day after *May-day*, and accordingly the members of the Parliament advertised not to appeare untill then; interim the Heretique partie (though few in number, but powerfull by the Deputie, who was of their Sect and faction) privately Summon all such, as by faction, fraude, or delusorie promise, they could draw on their side, to appeare on *May-day* in the morning at the Parliament-houſe, they corrupt the Speaker, who was *Mr. Staniburst* of *Corduffe*, then Recorder of *Dublin*; and prepare the bills for the establishing of those penall lawes; which being three times read, they thought to passe as an act of Parliament. The Catholique and uncorrupt members having notice thereof throng in all hast to the Parliament: among them *Sir Edmund Butler* drawing his sword questioned with zeale and magnanimitie such sinister and damnable practises; and so great tumults were raised, as the Deputie himselfe was forced to interpose his authoritie, which could little avails, had he not solemnely & publickly sworne, BY THE CROWNE OF ENGLAND, that no such acts should ever passe, or be admitted as an act of Parliament in this kingdome: and accordingly, during the following yeares of the raigne of *Elizabeth*, (which were upwards of fortie two yeares) and untill the tenth yeare of king *James*, these supposed penall lawes lay dormant, and were never put in execution, which by the Law of prescription, was a sufficient nullitie and antiquation of such Acts, if before (by hooke or crooke, fraud or violence) they were of any force or effect. By that time those witnesses and members of the Parliament, who were present at these treacherous proceedings being dead, the Persecutors of Catholique Religion make use of those illegal, lawlesse lawes, and endeavour to put them in execution. The kingdome by their Agents in *England* informe His Majestie of such corrupt proceedings, and when the king urged them to receive for a law, those Acts of *Queene Elizabeth*, *Sir Christopher Nugent* knight, one of our Agents, told His Majestie, that though such lawes past in *England*, yet they never past in *Ireland*, but in the fraudulent manner above mentioned. Neither did the *Queene* herselfe ever urge the same upon the *Irish*. The Pseudo-Bishop of *Canterbury*, the Chancellour and *Croke* presse the Committall of

Hist. Cathol. Supra.

of our Agents; and that was all the redresse the kingdome of *Ireland* then had, for this notorious injurie. Whereby the Reader may observe, what little neede the Catholiques of *Ireland* had to demand, and what lesse reason their Adversaries had to deny, a *repeale* of such penall lawes, as in themselves were indeede no true lawes, but forged, surreptitious Placits of Heretique Subjects; whose impudence is raised to that height, that as then they suppressed the Subject, so now they suppress their Sovereigne. And as then some Catholiques were drawne by affection, hope of promotion, and other by-ways, to consent to lawes against themselves and their Religion; So now have some Catholiques beene drawne to consent to this wicked peace. *Fili huius seculi prudentiores filius in generatione sua Luc. 16. a sunt.* Much more I reserve for other places.

§. 7. *Observations on the third Article.*

8. **WE** demanded in our third proposition, *that all acts and ordinances made in the now pretended Parliament at Dublin, since the seventh of August, 1641. should be decreely annulled*; because the power thereof was determined upon the death of Deputie *VVansford*. Answer is returned, that all acts made by that Parliament to the *blemish, dishonour, or prejudice of the Catholiques should be vacated*. This answer is not satisfactorie; for if in very deed it appeare, that that Parliament was no true Parliament, and that they proceeded without lawfull power, why should such an exorbitant crime escape scot-free. In this dismembred Parliament, there sate not a dozen, that were natives of the kingdome; by what justice then should such a conventicle be called be called, the Parliament of *Ireland*, and be thought to have power to give lawes to a whole kingdome? It consisted of a small number (not so many as petty corporat Townes are wont to have in their assemblies) and those forrenners, the dregs of the vulgar, illegally returned, when the Peeres of the Realme, the Gentrie and Commons absented themselves by occasion of these present distempers. This imaginarie Parliament (by what power, who knowes) quit & dismissed, many of principall Iudges of the crime of high trea-

30 §. 8. Observat. on the third and fourth art.

son, wherewith they were impeached by the whole kingdome of *Ireland* in a full and lawfull Parliament, without ever bringing them to their triall; a prerogative a Prince doth seldom assume to himselfe. It declared also by a speciall ordinance of both houses against the law of the land, and the practise of Parliaments, that all Catholiques should be excluded from being members of Parliaments; whereas by the ancient fundamentall lawes of the kingdome they themselves (as the Confessed Generation of the * Lollard heretiques) are so farre from being capable to be members of any Parliament, as they are incapable of any office, power, or jurisdiction. In sentencing the distressed Catholiques in *Dublin*, and elsewhere in polling, *Inimici* cessing and pressing them, it hath been impious and unjust.

* 2. Hen. 5.
7. Parliam.
1. 5. R. 2. C.
2. stat. vet.

Deut. 32. *nostrum sunt iudices.*
31.

§. 8. Observations on the third and fourth Article.

9. **BY** the third Article, all acts, ordinances and orders made by both or either houses of Parliament (in *Dublin*) to the blemish, dishonour or preiudice of the Catholiques, since the seventh of August, 1641. **SHALL BE VACATED**, and that the same, and all exemplifications, and other acts, which may continue the memorie of them be made void by Act of Parliament. Here the vacating and making void of such acts, &c. are *de futuro* (they **SHALL BE VACATED**) nothing immediately and upon perfection of these Articles. But by what Parliament **SHALL** such Acts be vacated? By the next Parliament, whereof the Confederate Catholiques are to be members, it may not be; because among those Acts to be vacated; there is one act of both houses hindring all Catholiques to sit in Parliament; before then they be capable to sit in that Parliament that impediment must be taken away; by both or either houses of Parliament in *Dublin* it may not also be; because no act of theirs to be esteemed an Act of Parliament without the assent Royall, which they have not, and by this third Article nothing can make void or vacat such acts, but an act of Parliament. Neither may it satisfie the Confederats that all such acts **SHALL BE** vacated and made void; for though that were done, yet the Records (though

(though ever so unwarrantable) remaining still in the publique archives, the *memorie* of such blemishes, dishonor and preiudice must also remaine in future ages. What other remedy is there left to take away, even the *memorie* of such blemishes, &c? If our Lawyers can finde us out no better, let all the foresaid *acts, ordinances, and orders* be taken from the file, and, as *Achans* 10. *Luc.* 7. 25. *anathema, consumed by fire*. Others would adde, that the execution should be done (*in pœnam delicti*) by the hands of the publique *Bourreau* or *Hang-man*: more *num.* 10.

10. By the fourth article, His Majestie was pleased to *vacate* all *indictments, attainders, outlawries, &c.* all *Patents, grants, leases, Custodiments, Recognizances, &c.* all offices and *Inquisitions taken against the Catholiques* since the foresaid seventh day of *August, 1641.* and at furthest before the first day of *October, 1646.* The first and last day of *October* is over, and yet we heare not, that any part of this article is performed: they should not be forgetfull, at least, of those that were *Authors* of, and *Adherers* to the Peace, especially of those *Noble personages*, who are here in restraint for their cause, who have greater reason to feare the *indictments* made against them in *Dublin*, and the *inquisitions* taken on their lands, than to feare the friendly chastisement of their fellow *Confederats*. Yet the sole *vacating* of such *indictments* would not satisfie the *Confederate Catholiques*, unlessse they were taken from the file, and consumed also by fire, as an *Anathema*; and that the rather, for that the *Authors, Contrivers, and Promoters* of such *Indictments, Inquisitions, &c.* were knowne *Parliamentaries*, who notwithstanding their infamous revolt from the King, presumed to make use of the Kings Name in *indicting* His faithfull subjects, and taking offices on their lands, not for His Majesties use, but for the *Parliaments* use, who by a presumption sutable to their rebellion made sale of their fellow-subjects lands unto *London undertakers*, to wage warre against their *Sovereigne*. I here resolved to give a fraternall reprehension unto the *Confederate Catholiques*, because they neglected (after establishing all sorts of Courts within their *Quarters*) to *indict* all those *Parliamentarie Rebels* of *Dublin, Yoghell, and other places of Ireland,* and to take offices on their lands for His Majesties

32 §. 9. Observations on the 7. Article

22th Feb. 7. 6.

jesties advantage, seeing the Catholiques had more power to draw such indictments and take such offices against the Parliamentaries, than the Parliamentaries had to make indictments or take offices against them, but that an honest Lawyer assured me that our Judges of assise had carefully made up a catalogue of the names of those Parliamentaries, & were ready to indict them in His Majesties behalfe, had not our late Supreme Councell given impediment thereunto. *Inimici hominis domus-
fici eius.* I passe by the fifth and sixth article, leaving to our Lawyers to enforme the estated Gentlemen of the Counteis of *Kilkenny* and *Wicklow*, why they are not secured of their lands, as well as those of *Connacht*, *Thomond*, *Tipperarie*, &c.

§. 9. Observations on the seventh Article.

11. WE demanded in our seventh Proposition, *that all marks of Incapacities imposed upon the Natives to purchase or acquire lands, leases, offices or hereditaments be taken away by act of Parliament, &c.* This we urged, *because in all or most Letters-Patents granted of plantation-lands, and some other lands, certaine clauses were inserted, that no land should be sold or past to any of the meere Irish, or of the Irish Nation, &c.* To redresse this unnaturall grievance grounded in hatred towards this Nation nothing by this article is particularly or solidly granted, onely *It is agreed that all Incapacities (generally) imposed upon the Natives (as Natives) by any act of Parliament, Provisoos in Patents or otherwise, be taken away by act to be passed in the said Parliament.* What Parliament is here understood, when the article saith *(to be passed in the said Parliament)* no man can tell; seeing in the article there is no mention made of any other Parliament, but of the Parliament, which laid *Incapacities* upon us, by which Parliament (being long since past) its impossible the same incapacities be taken away. But such delusive locations and destructive particles are too frequent in these confused articles. Yet if by *(the said Parliament)* you would understand the future Parliament; all power in that Parliament to take away *Incapacities* is hindred by our own consent, who have referred unto His Majesties future favour (and not to any Parliament) the

taking

taking away of such *Incapacities*, as is observed on the second Branch of the first article. The reduplicative particle (*as Natives*) is subject to a maligne interpretation, to wit, that the *Irish* (*as Natives*) not (*as Catholiques*) are exempted from all *Incapacities*, which (may seeme) to have been purposely added, least it should crosse the first *Proviso* of the first article, wherein Ecclesiastiques are not exempted from *Incapacities*.

12. For the same cause also in the licence granted to Catholiques by this article to *erect Vniversities*, they add this clause, that such universities be *governed by such rules and orders, as His Maiestie shall appoint*; which wee must expect to be no other, than those expressed above out of the Statute of 28. H. 8. 1; debarring all Catholique Church-men to be promoted to benefices, particularly to the Chancellourship, or other dignities or degrees in universities, unlesse they take the oath of Supremacie; so as all the fruit of our labour and expence in erecting Vniversities (on such conditions) would be reaped by the Protestant or Puritan, who alone would be both Superiours and Schollers in such universities, because they alone would swallow the oath of Supremacie. An example hereof we have already in Trinitie Colledge in *Dublin*, anciently called the *abbay of all-hallowes or all-Saints*, the chiefeft meanes for erecting of which Colledge was contributed by the Catholiques, in so much as the site, ambit, and lands thereof (which anciently belonged unto the Canon-Regulars of *Augustins* order) was bestowed for that use by the Citizens of *Dublin*, whose children notwithstanding cannot be there admitted, unlesse first they become heretiques; which course they take with all the Natives of the kingdome. And in lieu of entertaining Natives in the same Colledge they entertaine forrens, be they of what profession soever, even Iewes, so they be not Catholiques: *Congregatio taurorum in vaccis populorum, ut excludant eos qui probati sunt argento.* Whole droves of the wiving Ministerie Hocke thether from other Countreyes to increase and multiply. Whence it appeareth that the licence given by this article to the Catholiques to erect free-Schools is to little purpose, seeing the Schollers may not be advanced in learning or admitted to take degrees without the oath of Supremacie:

neither doth this article take away the Statut of 12. *Eliz. c. 1.* interdicting any Schoole-master to teach in free-schooles, but *English-men* or of the *English birth*; which may be stowed among the rest of the *Irish* grievances.

§. 10. Observations on the eight Article.

13. **WE** demanded in our eight proposition, *that the offices and places of Command, honour, profit, and trust be conferred on Roman Catholique Natives.* This demand we propounded more distinctly in our declaration printed in France 1642. thus; *that all preferments, Ecclesiasticall, Civill and Martiall, should be conferred on the Natives, without distinction for Religion, &c.* the same wee iterated in our Remonstrance to his Majestie, complaining, *that since the second yeare of Queene Elizabeth we were made incapable of all places of honour or trust in Church or Commonwealth &c.* Our younger Brethren put by all manner of employments in their Native Countrey, and necessitated to live in ignorance or contempt at home, or to their great discomfort, and impoverishment of the land) to seeke education and fortune abroad. These and many such, were the lamentable grones of the distressed *Irish* Catholiques, occasioned by those wretched, illegall Statuts above mentioned. By plantations they have been cast out of their lands and livings; and least they should multiply in their owne Countrey, they are not suffered to be Cottiers on that very land, whereof they themselves were chiefe Lords. Come let us wisely oppresse them, least perhaps they multiply, say the Pharaos of these times.

Exod. 1.10.

13. By this article of Peace, *all places of Command, honour, profit, and trust in His Maiesties Armies SHALL BE* upon perfection of the Articles actually conferred upon the Catholiques. But the places of honour, &c. in the Civill Government *SHALL BE* conferred on Catholiques upon passing of the bills in these articles mentioned, in the next Parliament. Against this we say first, that the articles were perfected, and possession given to the* *enemie*, of the chiefe Cities belonging to the Confederate Catholiques by the late Councell, contrarie to the trust imposed in them by the kingdome, and yet no such places

*Kilkenny &c. when the Marques was called by them out of Dublin.

no places of command or honor given. 35

places as yet given to the Catholiques in the Kings AR M I E S. Secondly, that as the places in AR M I E S were to be conferred on Catholiques immediately after perfecting of these Articles; so also were places in the CIVIL Government, if it pleased the Marques to stand to his owne Concessions read in publique assembly in August 1645. *Peccatum pccavit Ierusalem, Thren. 1.8. propterea instabilis est.* Thirdly, when this Parliament shall be, *it is not possible for any man to know* (say those very Agents, that were sent to Waterford, to treat with the Congregation in the behalfe of the Councell and Committee) for (say they) in the Condition the King is now in, and While he is in the power of the Scots and Parliament of England, they Will never permit the sending of a Commission for the settlement of a Parliament, but Contrariwise, they Will procure the Kings letters and declarations against any pacification. Doth it not evidently follow by this very reasonal- ledged by the Contrivers of this peace, that as it is not possible to know, When this Parliament shall be; So is it not also possible to know, when the Catholiques shall be exempted from the oath of Supremacie, when they shall be installed in places of the Civill Government; when they shall be freed from all o- ther Incapacities, which hetherto slav'd the Catholique Na- tives of Ireland. Interim our intrusted Committees have already (as much as in them lay) delivered unto the enemye, the present possession of our Cities, Forts, and Garisons, together with the Command of all our armies by Sea and Land. *Corrup- Psal. 13. r. ti sunt, & abominabiles facti sunt in studiis suis.* See observat. on the 25. art.

14. Had our Enemies men, meate, moneyes or ammuni- tion, they would no more promise to conferre upon the Ca- tholiques immediatly, upon perfection of these Articles places in the militarie Government, than they promised to conferre upon them immediatly places in the Ecclesiasticall or Civill Go- vernment. Yet to prevent the multitude of Catholique Com- manders in the Kings Armies (if we may so tearme them) it hath pleased the Marques of Ormond in the Catalogue of such Commanders, as he hath selected to give two or three places of great Command unto one Protestant or Round-head, least there should be vacant places left for Catholique Comman- ders

36 §. 10. Observations on the 8. Article

ders, in so much as no place was left in the Marques his list for our Catholique Chiefe Commanders, PRESTON, and O NEALE, whose fame is renowned in Europe for their prowess, and Martiall experience. Foure or five Catholiques onely are named in that Catalogue, who are knowne to have beene (during these Commotions) Neutralls or Factionists, or men that little affected the Catholique cause. None advanced that either affected or spilt his blood for the cause, or was not of the faction. And those Noble Catholiques, that are advanced together with the Catholique Irish Souldiers may expect to be discarded, as soone as supplies come from *England*; of which kinde of practise wee had good experience in *Dublin, Drogheda, Corke*, and other places, where (in the beginning of these warres) the Catholiques were armed and made Commanders in the Kings Armies: but as soone as succours came from *England* from the Parliament Partie, they were presently disbanded, and recompenced, either with imprisonment and impeachment of High-Treason; or robbed and pillaged of their goods and sent into exile.

15. The Marques of *Ormond* did once grant unto us in His Majesties Name in the Assembly held in *August*, 1645. That there should be 4000. foote, and 60. horse of his Roman Catholique Subjects upon the perfection of the Articles of Peace added to His Maiesties Army, whereby there may be such equality as is desired, and this and all other things that shall be agreed upon in the conclusion of this treatie shall be inserted in the Articles of Pacification. This Concession (though publicly read in assembly) is either recalled by the Marques of *Ormond*, or neglected by our Committee, being not inserted in the Articles of Peace, according to the Marques his agreement. Were it observed (according His Majesties Concessions) it would not be in the Marques is power to make such a choice of Heretique Commanders, to conduct His Majesties Armyes, as in this Catalogue he hath inlisted. Then had their place been left for *Preston, & O Neale, Sir Phelim O Neale, Lieutenant Generall Byrne*, renowned *Mac Thomas*, and such like brave Commanders of the Confederate Catholiques. That heretiques should be in equall ballance in governing such Ports, Cities, Townes, Castles, and Garrisons, as the Confederate

federate Catholiques have gained by their labours, meanes, armes, and blood, is notable injustice: for if the reward in such distributions be proportioned to the merit; Surely there will be no place left for heretiques to governe or possesse such forts, Cities, &c. as the Catholiques recovered, seeing they herein had no part or portion of any merit: and if I may speake the truth, according the allegiance I owe to truth, its neither security to Religion, King, or Countrey, that such Profelyts possesse or governe our Forts, Cityes &c. whose daily revolt in *England*, and universall defection in *Ireland* in the progresse of this warre giveth a well-grounded argument of their disloyaltie. Were not all the Protestants in *Ireland*, zealous Marshalists for the King at the beginning of these warres? How many are there now left, that sticke unto him: hath not their *PRIMUM MOBILE* at length unmasked himselfe, and discovered the face of an odious Round-head? *Non est qui faciat bonum non est usque ad unum.* The same ratiocination I use against the unequal distribution of places in the Kings Armies. Is it equalitie thinke you, that *English*, *Scottish*, *Walsb*, *Dutch*, or other heretiques, who bring with them, neither meate, men, money, or ammunition should have as many, and as great places in the armyes, as the *Irish* Catholiques, who appeare in field with all these accoutrements: I passe by the danger of their turning *faces about* in the open field, whensoever occasion shall present it selfe. Seeing the Protestants pretend that the Parliament, which now hath actually continued in *Dublin* these five yeares past, and still doth continue there (as is said) is a lawfull Parliament, why did not the Marques of *Ormond* and our Committee of Treatie cause all these *Incapacities* to be taken away from His Majesties Catholique Subjects immediatly by that Parliament; and (if neede be) make use of the suspension of *Poynings* act to that purpose? All, that by the Articles are granted unto the Catholiques are as uncertaine, as the future Parliament is uncertaine, and seeing His Majestie himselfe hath by His Letters of the eleventh of *June 1646.* (which the Parliament and *Scot*, hath seconded by their decrees) already commanded the Marques not to *proceede in treatie* with the *Irish* Catholiques, what hopes are there that ever he will give com-

38 §.10. Observations on the eight article
 mission for a new Parliament contrarie to the same commands?
 so as the Catholiques are never like to be exempted, either
 from oath of *Supremacy*, or from any other *incapacitie*, which
 hetherto hath hindred them to be promoted to places of com-
 mand, honour, trust, and profit in either Ecclesiasticall, Civill,
 or Martiall, government. The very same wee say of all the in-
 dictments, attainders, inquisitions, offices, &c. taken against
 the Catholiques, of all the acts and decrees made by the Par-
 liament of *Dublin* against them since these tumults; of all the
 Statuts, Patents, Acts of State, and other lawes interdicting
 them to purchase by lease or otherwise, lands, rents, mortgages,
 &c. how then shall the Confederate Catholiques be enabled to
 sit and vote in the next Parliament, in case it should ever hap-
 pen? How may they secure their lives, living, and posteritie?
 we expected our Supreme Councell would never devest them-
 selves of that great power given them by the kingdome, un-
 lesse they were presently upon perfection of those articles in-
 stalled unto the dignitie of Privie Counsellours (at least) in *Du-
 blin*. To be of the Supreme Councell for the advance of the
 Catholique Religion, was an honour renowned throughout
 all Europe, but to be qualified with a ministeriall office of Tol-
 gatherers, in taxing, levying and gathering moneyes for the
 support of heretiques, is infamous among all Christian Catho-
 liques.

10. By this eight article, *All His Maiesties Subiects as well
 Catholiques, as others shall for His Maiesties service and their
 owne securitie arme themselves the best they may, wherein they
 shall have, all fitting encouragement.* The execution of this
encouragement we have not yet seene put in practise. Here-
 tiques who are knowne to joyne with the Parliament against
 the king, are armed in *Dublin* and provided with all sort of
 ammunition. Catholiques who are knowne to joyne with the
 king against the Parliament are disarmed and pillaged of all
 their armes and ammunition, if any they had 'tis but an imita-
 tion of the old tyrannie of the *Philistims* who were so violent
 in depriving the *Israelits* of all armes, as they suffered them not
 to have shops or tooles of their own to edge their plow-shares.
Encouragement is here given, but no decree for cancelling the
 lawes

2. Reg. 13.

4. Reg. 24

no places of command or honour, &c. 39
lawes and Statuts enacted against Catholiques for carrying or
having armes or ammunition.

§. 11. *Observations on the tenth Article.*

17. **N**Oble men not estated in *Ireland* are indeed (by this tenth Article) to purchase within five yeares meanes futable to their dignitie, yet are they admitted members of all Parliaments that shall be during the intervall, which was neither mentioned nor admitted in the concessions granted at first by the Lord Marques himselfe. The king by His graces conferred on the kingdom in the fourth yeare of His Raigne, granted them, but five yeares time to purchase land from the date of those graces; now well nigh eighteen yeares are past, and yet it pleased the Marques contrary to the said graces recorded in the Chancerie, and published through the whole kingdome, and contrary to his own Concessions, to adde unto those eighteen yeares (without commission) five more, namely five yeares from the cōclusion of these articles. These unestated Lords, together with the Pseudo-Bishops and all rebellious Parliamentary Nobilitie, Gentrie, and Commons in this Countrey, that hitherto sided with the Parliament and resolve to come in upon this Peace (as they are invited articles 15. 25. &c.) will swarme to the next Parliament, there to make their factions strong & out-vote the Catholiques. By this, as also by the neglect of the suspension of *Poyzings* Act, it may be doubted whether our Committee have well discharged that part of the oath of association, which binds them to maintaine the rights and privileges of the Parliaments of *Ireland*. How carelesse soever our Committee have been herein, wee hope never to see that day that any Heretique Bishop shall ever sit in Parliament to give law, or prescribe a rule unto the Catholiques of *Ireland*, how and what faith or Religion they shall profess.

§. 12. *Observations on the eleventh Article.*

18. **T**He Catholique Confederats demanded in their eleventh Proposition, that an *Act* should be passed in the
next

next Parliament declaratorie that the Parliament of Ireland is a free Parliament of it selfe independant of and not subordinate to the Parliament of England. And that the Subjects of Ireland are immediately subject to His Majestie, as in right of His Crowne, &c. Hereunto His Majestie at first graciously answered, that he thought fit, that proposition should be referred to the free debate and expostulation of the two Parliaments of England and Ireland. The Catholique Confederats urged further that the independency of the Parliament of Ireland of the Parliament of England was so cleere and manifest by Law, Justice, usage and necessity, that they humbly desired that it might not be driven to dispute, &c. Wherefore a DECLARATION herein and an Act of Parliament, was by the Catholiques desired. In this eleventh Article of Peace His Majestie is pleased to agree, that he WILL leave both houses of Parliament in this kingdome to make such a DECLARATION therein, as shall be agreeable to the Lawes of the kingdome of Ireland.

19. Why its here said His Majestie WILL LEAVE, and not (DOETH LEAVE) I conceive not; unlesse it be to discover the wyles of the penners of this Article, who would drive the Confederate Catholiques to a new supplication, and His Majestie to a new answer, that he DOETH *ex nunc* LEAVE this matter to both houses of Parliament in Ireland. I observe, that the Catholique Confederates here demanded not onely a DECLARATION of both houses, but also an act of PARLIAMENT; the former is (after a manner) promised in this Article; the later past by and omitted. Our Lawyers assure me the one is little worth without the other; for though both houses of Parliament did make a DECLARATION that the Parliament of Ireland was independant of the Parliament of England, yet was it still free to His Majestie to give or deny His assent Royall unto such a DECLARATION, without which it would never passe into an Act of Parliament, which alone could avails the Catholique Confederats in this kingdome. If the Authors of this peace did tender the securitie of the king, and good of this Nation, they (foreseeing His Majesties disability to helpe him selfe or us, by reason of his engagement with the Scots) should not onely make use of the suspension of Poyninges Act, according His Majesties direction, but also obtaine from

independency of the Parliament, &c. 41

from him (while was SVI IVR IS) that gracious favour to intrust his Vice-Roy (as heretofore hee intrusted other) with His ASSENT ROYALL, to prevent a dangerous Circuit of transmitting Bills into *England* in these times and Circumstances, wherein he is so awed, as he may not with securitie, by himselfe give His ASSENT ROYALL to any act concluded by both houses in *Ireland*, that might conduce to the safetie of Religion or Subject? This being done, the Catholiques of *Ireland*, having obtained redresse of their grievances, and securitie of their Religion, might with more alacritie and courage by themselves, and their Allyes, forren Princes and Prelats, assist His-Majestie; whereas now (as the case standeth) nothing can be effected in their behalfe, but what both Countells in *England* and *Ireland*, together with the Parliament of *England*, and the *Scots*, shall assent unto. And, as it is certaine, they will never assent unto any thing, that may availle the Catholiques; so is it certaine they will never permit the King to assent to these 30. Articles, though all were concluded by both houses in the next Parliament to be held in *Ireland*

20. As no law established in *England* by Parliament or otherwise, had ever any force or power in *Ireland*, unless the same were established and enacted, as a law, by the same kingdome of *Ireland*; so was rejected in *Ireland*, what law soever established in *England*, never obliged the subjects of *Ireland*. To prove this truth, wee need search no further at present, than the Statuts of *Ireland* alone, where the one and the other is cleerely expressed. 10. Hen. 7. 22. it was ordained 147. 67. by the assent of the Lords Spirituall and Temporall and the Commonns assembled in Parliament in *Ireland*, that all estatutes late made Within the Realme of *England* concerning the commonweale of the same from thence-forth be deemed good and effectuall in law, and over that, be accepted, used, executed Within the land of *Ireland* in all points; And that every of them be authorized, proved and Confirmed in *Ireland*, &c. The marginall note in the same place shewes that many other Statutes of *England* Were confirmed in this kingdome; and all other Statuts, Which Were of force in *England*, Were referred to be examined in the next Parliament, and so many as Were then ALLOWED, and published, to stand likewise for

42 §. 12. Observations on the 11. article

lives in this kingdom. Loe the first part, to wit, that no Statuts made in *England* had force in *Ireland*, unlesse they were not only accepted, but also AUTHORIZED, PROVED, ALLOWED and CONFIRMED by the kingdom of *Ireland*, evidently convinced by this passage. The second part, to wit, that what statuts of *England* were rejected in *Ireland*, never had force, or effect in *Ireland*, unlesse first in *Ireland* established, is likewise proved out of the same place, where we read thus in the marginall note. 20. H. 4. *it was enacted in this kingdom of Ireland, that the Statuts made in England should not be of force in this kingdom, unlesse they were allowed and published in this kingdom by Parliament, and the like statute was made againe in Ann. 29. H. 6.* These Statuts (saith the author that collected them) *are not to be found in the Rolls, nor any parliament Roll of that time, but I have seene the same exemplified under the great seale, and the exemplification remaineth in the Treasurie of the Citie of Waterford.*

21. The Confederate Catholiques caused diligent search to be made in the foresaid Treasurie for the said Statuts, but they spent their labour in vaine. I believe they came to the hands of such CUSTODES ROTTVLORVM, as in the time of Sir William Fitz-Williams swep'd out of Bermingham-Tower whole wayne-loads of ancient Charters, Patents, Evidences, and other Records, which concern'd the ancient Inheritance and possessions of our Noblemen and Gentlemen, & cast them on a dunghill, whence being carefully gathered by mechanique servants of Dublin, they were turn'd afterward the into Taylers measures, Booke-binders ligatures, or such uncomely use. So as the furie of the warres abroad consumed by fire such evidences as remained in the Custodie of our Noblemen and Gentlemen for the assurances of their ancient Inheritance; and the perfidie of Heretique Officers at home destroyed the Records of such Evidences; and being thus deprived of their Evidences on both sides, a rode-way is made for a new Colony, by plantations, defective titles or otherwise. And we may justly suspect that the Pseudo-Bishop of Waterford had a finger in conveying or imbezeling of those Statuts that remain'd in the Treasurie of Waterford; for such Imps of impiety

independency of the Parliament, &c. 43

piety, who dared publiq̄ly to rent and teare (without commission) Gentlemens ancient Evidences, would (no doubt) attempt in private the defacing or conveying of those Statuts.

Impius cum in profundum venerit peccatorum contemnit.

Proverb.
18. 3.

22. The Scots by their Commissioners in March, 1641. complained unto the Parliament of England of the like intrusion made by England, in Scotland, which the Parliament it selfe did by its Declaration, reprehend and forbid; and the Scots themselves never did either then or now or before give unto the Parliament of England so much power in Scotland, as to make a petty Constable there. The reason by the Scots alleaged is by the Parliament of England approved: namely, that as England and Scotland are distinct and independant kingdomes; so have they lawes, priviledges and immunities independant of one another. The Irish, who (to continue the ancient amicable communication, which was still betweene them, and their Sister England) entertained & established in Ireland the lawes & government of England, ought not (for their affection) to be reduced to greater dependency or subordination to the Parliament of England, than their daughter of Scotland, the one being as free a Nation as the other. But wee have well observed the Genius of heretiques in this kind: in Ireland, as they oppress the Subject, so doe they suppress the power and authoritie of the Parliament there: in England they so extoll the power of the hereticall Parliament there, as they goe beyond line and levell; beyond the power of King or Keylar, even then, when the King himselfe is separated from them. *Indica illos Deus.* More elsewhere.

§. 13. Observations on the twelfth and foureteenth Article.

23. IN our twelfth Proposition, wee praid that the assumed power in the Councell-board of determining all manner of causes, should be limited to matters of state, and that all Patents of rates and grants illegally and extrajudicially avoyded there or elsewhere should be left in state as before, and the parties grieved, their heires or assignes, till legall Eviction. This we urged, as agreeable

Plantation matters not to be handled at the Councell-board.

44 §. 13. *Observat. on the 12. and 14. Art.*

to *law and iustice, to the GREAT CHARTER and severall acts of Parliament.* So much redresse is given us by this twelfth article of peace, as that great and weightie matter of Plantation, which is knowne to be a matter determinable by law, and not by the arbitrary power of the Councell-boord, is by this article made a matter of state, and determinable by the said Boord. *Among Which matters of state and weight the Patents of Plantation (saith this Article) and OFFICES, Whereupon those grants are founded, are to be handled, as matters of state, and to be heard and determined by the Chiefe Governour and Councell. But titles betweene partie and partie, growne after these patents granted, are to be left to the ordinarie Course of law.* Our Committees by condescending to this article have gone beyond their Commission expressed in our first Remonstrance anno 1642. wherein the kingdome desired, *that all plantations made since 1610. might be avoided by Parliament, &c. and their possessions restored to them and their heires, from Whom the same was taken.* Instead of avoiding such plantations, our Committees have given way, not onely that they should remaine, but also (by consenting to this article) have given that power unto the Councell-Table, which by law they never had, nor could have. Its an injustice insupportable, in a matter so generall, and of such high Concernement, as is the Subjects ancient possession and inheritance, to deprive him of his birth-right, that is to say, of the Common-law; So as if offices taken upon, and Patents given of, his lands appeare to be defective, forged, erroneous, or surreptitious, hee is denied all manner of redresse either by travers, reversement, or otherwise in any Court of Iudicature in the kingdome: at the Councell-boord, lesse redresse may be expected, as well because most of the Councell are both Iudges and parties, as having much plantation land in their possession; as also because they have resolved to make it a matter of State, therefore (be it right or be it wrong) they shall never be righted. How farre this may agree with *Magna Charta*, (which our Soveraignes have vowed to maintaine, I leave to the discussion of our learned Lawyers. No error or advantage shall serve to keepe the Irish subject in his possession: the least error or advantage shall serve to cast him out of possession. See Mr. *Dar-*

cyes

eyes learned *Queres*, and his irrefragable reply to the Judges answer: *Constituerunt habitatores, filios alienigenas in omnibus finibus eorum, & sorte distribuerunt terram eorum.*

1. M. 2ch. 33.
3. 36.

24. The foureteenth article no way satisfieth our foureteenth proposition, wherein we prayed that no chiefe governor should be continued here *longer than three yeares*, and that they should be inhibited from purchasing land here. The exorbitancie of *Strafford & Ratcliffe* in this particular (to speake nothing of others) was such, as if they lived here, but few yeares longer, they had ingrossed into their owne hands (*per fas, vel nefas*) all the land in the kingdome. Adde that such continuance of governours longer than *three yeares*, doth give impediment to the prosecution of them for treasons, and other capitall crimes in case the subject should have just occasions to accuse them. The *golden world* did so *dazle* the eyes of some, as they were well pleased to *connive* at this great grievance, and (to advanceth their Meccnas) they concurred to the suppression of two great Catholique Noble Peeres, *Antrim* and *Glamorgan*, whom both King & Countrey did intrust with the chiefe government of the kingdome. *Nonne meliore est racemus Ephraim, vindemijs Abiazer?* ought not one Catholique Vice-Roy be more acceptable to this Nation, than a hundred Heretiques successively?

Indic. 8. 2.

§. 14. Observations of certaine chiefe points omitted by our Committee in these Articles of Peace.

25. WE demanded in our 15. Proposition, That an act might be passed for the raising and setting of train'd-bands within the severall Counties, &c. Whereunto no answer is made in these Articles. The Protestant Agents in their officious answer 9. May, 1644. to this our fifteenth Proposition would not have any such train'd-bands raised, either for defence of king or Countrey. Their policie is to keepe the doores open for their Parliamentary Brethren. The *Philistins* will by no meanes permit the *Israelites* to beare armes. Is not the oppression intolerable, that Catholique Natives in their owne Countrey shall not be permitted to have armes, either offensive or de-

M

fensi. 3

46 §. 13. Observat. on the 12. & 14. Article

ensive; to preserve the kingdome, and defend themselves, and their religion; and that intruding forraign Heretiques shall be permitted, yea authorized to furnish themselves with Armour & ammunition, not onely to defend, but also to offend the Catholique Natives, whensoever the watch-word is given.

26. The like wilfull omissions have been made by our said Committee of Treatie in many other points given to their charge: as first the omission of procuring unto the Catholique Subjects the benefit of *Magna Charta*, which hath beene since the dayes of Heresie, together with Religion it selfe suppressed; the maintenance whereof the Catholique Confederats have undertaken by the *Modell of Government*, and which alone had beene more available to the Catholiques, then these 30. confused lawlesse articles of Peace by them concluded. 2. The omission of the repeale of the penall lawes, and suspension of *Poynings* act. 3. The omission of taking away incapacities of the Ecclesiasticall government, and (in effect) of Civill and Martiall Government. 4. Nothing obtained to secure the Catholiques of their Religion, or of any private or publique free exercise thereof. 5. Nothing done to secure the Prelates, Pastors, and Regulars of the kingdome, or the Churches or Church-livings belonging to them. 6. Nothing to free the Catholiques from the pretended Jurisdiction of the Heretique Ministerie. 7. Nothing done, to recompence out of the estates of the Malignants such of our Partie, whose estates are in the hands of the Scots and Parliament partie, as we demanded in the 17. additionall proposition. 8. Nothing done to dissolve such new corporations, as were unjustly erected to gaine voices in the Parliament. 9. Noble-men not stated in *Ireland* admitted members of the Parliament of *Ireland*. 10. Nothing to any purpose enacted against the continuation of Vice-Royes in *Ireland* longer than three yeares: which being urged according the Commission given, had ere now procured a new Catholique Vice-Roy. 11. Nothing procured for having a continuall *Irish* Agent with the king. 12. Insteed of indicting or attainting the Scots or Parliamentarie Rebels and confiscating their lands and possessions, as we earnestly demanded in our seventh and eight additionall propositions, our Agents have condescended unto an act of
oblivion.

omissions of the Committee, &c. 47

oblivion, as well for them as for the Catholiques. 13. The taking away of the *Castle-Chamber* by the Confederats demanded, but by our Agents omitted. 14. Nothing done for recoverie of the Plantation-land taken away since the year 1610. 15. No redresse against those corrupt Iudges, who in one morning annulled 150. letters Patents granted by the king. See more in the eight tenth and following articles.

16. Besides these culpable omissions, our Agents have disdainfully rejected many things commanded by His Majestie to be granted unto us; as first an exemption from the Oath of Supremacie absolutely; and without any such limitation by *Proviso*, as is now added to the first Article of Peace. 2. A repeale of the penall lawes granted by His Majestie, but rejected by our Agents. 3. The suspension of *Poynings* act, likewise rejected. 4. The taking away of the *High-Commission-Court* granted, but rejected. 5. Places of honour and trust in the Civill government granted, but in effect rejected. 6. Free exercise of Religion and administration of the Sacraments granted by the Concessions; but in these articles rejected. Reade the abridgement of Concessions sent by the Marques of *Ormond* to the Assembly in *August*, 1645. Where the foresaid grants and concessions were publicly read and promised, and accordingly give censure of the industrie of our Agents. And these points alone might be sufficient to evacuate and annull whatsoever they have acted in this dishonorable peace, whereof as yet more in the end, when wee shall speake of the invaliditie thereof.

14.
15.

1.
2.
3.
4.
5.
6.

§. 15. Observations on the fifteenth Article.

27. **T**His article answereth to our sixteenth proposition; Proposition, where wee demanded that an *act of oblivion* should be passed to extend to all *Catholique Subjects*. This Article extends to all His Majesties Subjects and their adherents, and under collour of the name of Subjects, this *act of oblivion* is extended (without any commission or power from His Majestie) to all the Scots and Parliamentarie Rebels in these three kingdomes. To grant an *act of oblivion* to the Catholiques, who

swore

48 §. 15. Observations on the 15. Article

swore to defend His Majesties Crowne and dignitie, the generall Commission of the Lord Lieutenant, in qualitie of Lord Lieutenant, served not the turne; but a new and speciall Commission must necessarily be sought for from His Majestie. But to grant an *aet of oblivion* to all the Parliamentarie Rebels, *Scots, English, Connaughtians, Momonians, &c.* who tooke the *Oath of Covenant* to destroy the king, His Crowne and dignitie, the Lord Marques supposeth such speciall Commission to be needlesse. It may seeme a strange Paradox that the *Irish*, whose assistance His Majestie earnestly desireth against the Rebelligious Parliamentaries & *Scots*, must be forced to looke for pardon for the offence they never committed; and those Rebels, against whom His Majestie invites the *Irish* to fight, are admitted to grace and favour with impunitie and without any Commission. Shall Noble Antrim and all those loyall *Irish*, who preserve *Scotland* for His Majestie, be brought under the same rod, their case in *Scotland* being the same with that of the Confederate Catholiques in *Ireland*?

28. In all these Articles there is not one article that obligeth the *Scots* or other Parliamentaries (in case they accept the peace) to render unto His Majestie or His Lieutenant the possession of any the Cities, or Forts they have, or to give up the Command of their Armies, &c. which is very remarkable, & can in no sort stand with securitie of Religion, King, or Countrey. In the Cities and Forts which they possesse they will still stand as Scouts to entertaine the coming of their Brethren the Parliamentaries of *England* and *Scotland*, and in the field they will be still readie to joyne with the Kings sworne enemies. Hence wee may conjecture, why, when in our seventh additional proposition we demanded that the *Scots*, and such as tooke the *Oath of Covenant* might be proclaimed Traitors; and that such Counties or Corporations, as submitted not to the *Cessation*, might not be admitted to make any returne to the Parliament) wee were answered by the Marques that hee had no Commission to proclaime them Traitors, nor to prosecute them by warre; and that to debarre such rebellious Townes, or Corporations from the Parliament, was inconsistent with the Condition of a free Parliament. Whereunto it might be replied that

the

the Lord Lieutenant had more Commission to proclaim them Traitors, than he had to receive them into protection, or to quit them by *act of Oblivion*; they being all proclaimed Traitors in *England* by the Kings Majestie. But if the Parliament which is to be in *Ireland* must be therfore said to be no *free Parliament*, because proclaimed Parliamentarie Rebels shall not be admitted thereunto, how much more ought all the Parliaments in *England*, that have been since, the dayes of heresie, & especially the present dismembred Parliament in *Dublin*, be justly styled no *free or lawfull Parliaments*, seeing from thence, they have still excluded His Majesties loyall Catholique Subjects.

29. When likewise in our eight additionall proposition we justly demanded that the *estates of such as adhered to the Parliament might be forfeited, and in the interim their lands and possessions, might remaine in their hands, wherein they were at that present*: this sleight answer is given (*such consideration shall be had of this proposition; as shall be fit.*) And this *fit consideration* was no other; than to invite and scot-free to receive them into pardon, and grace, as in this and the 25. Article of Peace plainly appeareth. What else may a faithfull Subject here suspect, but a disloyall Combination betweene the partie aforesaid?

30. Wee further observe, that the *act of oblivion* hath its Commencement from the 23. of october, 1641. So as all crimes committed on the 22. of October (when the Castle of *Dublin* was to be surprized) may be questioned notwithstanding the *act of oblivion*: moreover, a *Proviso* is added in the same *act of oblivion*, that certaine barbarous and unhuman crimes are reserved to be punished by the Lord Lieutenant and the twelve Persons selected by him, or any five of them; which may hazard the heads of the best Gentlemen in the kingdome; especially of those, who by armes and valour shewed themselves most zealous in advancing the Catholique cause, as the Generalls of *Lansfer, Vlster, Sir Phelim O Neale*, and those other honest Catholiques, who were against the faction. If it be answered, that this *Proviso* was added to give satisfaction to our 17. Proposition; we reply, that we desired the *Parliament should question such barbarous and unhuman crimes*, and not any

50 §. 16. *Observat. on the 17, 18, 20, &c. 24. art.*
 private Persons selected to determine what matters they list by
 an arbitrary power. But as this *Proviso* doth aime at the lives
 and estates of some particulars; so doth the whole act at the
 lives, and estates of all the Confederats; seeing the *act of obli-*
tion is not to be granted untill, and by the Parliament, which
 being uncertaine, this *act of oblivion* is also uncertaine. Interim
 what security have the Catholiques of their lives and estates?
 Here againe, I marvaile our Committee did not endeavour to
 have this act forthwith past in the present Parliament, for the
 Catholiques present securitie.

¶ §. 16. *Observations on the 17. 18. 20. &c. 24. Article.*

31. **B**Y the 17. article. *Monopolies* are not in very deed taken
 away, but changed into *impositions to be layd on Aquavi-*
ta, Wine, Oile, Tarne and Tobacco. By the 18. Article the Court
 of Castle-Chamber remaines, but to be regulated, not by Par-
 liament, but by some engaged Parties. This Court, Monopo-
 lies, and such impositions are long since taken away in *England,*
Scotland never admitted them; why should *Ireland* be slav'd by
 them? What is touch'd in the 20. article, is explain'd even now
 in the 28. and 29. number. The 24. article taketh away all in-
 terest of money due by the way of debt, mortgage, or otherwise
 since the 23. of October, 1641. and granteth onely 5. l. per cen-
 tum during the space of three yeares next ensuing. In our eleventh
 additionall proposition we demanded onely, that a *Compe-*
rent time should be given by act to bee past in the next Parlia-
ment for payment thereof, or the use of the money to be moderated.
 Whereunto his Excellency in the Concessions above often men-
 tioned, answered that *just reliefe should be given therein with*
respect to the diversitie of causes, and varietie of Circumstances, that
may occurre therein. This was a just answer futable to the Catho-
 lique Confederats demand: but the answer given by this arti-
 cle may seeme to be a worke of Supererogation, being more
 than the Catholiques looked for, or than will be permitted
 (as is thought) to passe in Parliement, namely, that *all the ar-*
rears of interest of money, which did accrue or grow due by way of
debt, mort-gage or otherwise, and yet not satisfied, since the 23. of
October

October 1641. untill the perfection of these articles shal. be fully forgiven. That for three yeares next ensuing onely. 5. l. per cent. be paid. The proposition made by the Confederats chiefly intended the reliefe of those distressed Catholiques, who lost all or most of all their estate, or were notably damnified by these warres, either by wast, burning, pillaging, banishment or otherwise; and not the exemption of such debtors, as suffered little or nothing by these warres, much lesse such as have bettered their estate by the warres: Some debtors, though able enough to discharge their debts, yet expecting to make use of this Article, have denyed and still doe deny to pay, either the debts they owe, or any part thereof, or the just interest thereof, though the Creditors were distressed, indigent, banished Catholiques; for whom both charitie and justice pleaded; wherefore unlesse the diversitie of causes and varietie of Circumstances, together with the persons that suffered, be considered in this particular, and the diminution or totall taking away of the interest be limited to indigent debtors, that have beene notably damnified by these warres, this article may produce more effects of injustice, than justice.

§. 17. *Observations on the five and twentieth Article.*

32. **BY** this Articles His Majestie is graciously pleased, that Mountgaret, Muskerie, Sir Daniel O Brien Knight, Sir Lucas Dillon Knight, Nicholas Plunket Esquire, Richard Belings Esquire, Philip Mac Hugh O Reily Esquire, Thirlagh O Neale Esquire, Thomas Fleming of Castle-Fleming Esquire, Patrick Darcy Esquire, Gerrald Fennell Esquire, and Geoffrey Browne Esquire, shall be immediatly upon conclusion of these Articles authorized BY ACT OF STATE to heare, determine and execute, &c. Within the Quarters of the Confederats, the ensuing particulars. 1. To applot and levy meaxes upon the Catholiques for raising, cloathing, and bringing to Sea-ports, and maintaining there untill they be shipped ten thousand men promised by the Confederate Catholiques, to assist His Maestie. 2. To levy the arrears of all Excises, and other publique taxes, &c. and to call the

Receivers

The office of the 12. Persons elected by the Max-ques.

52 §. 17. Observation on the 25. Article

Receivers to accompt. 3. To applot and levy meanes within the Quarters of the Confederate Catholiques towards the maintenance of such army or armies, as shall be thought fit to continue, &c. and towards the maintenance of all the forts, Castles and Garrisons WITHIN BOTH OR EITHER OF THE NOV VV QUARTERS OF EITHER PARTIE, &c. 4. That they vppoint Receivers, Collectors, and all other Officers for such moneyes, as shall be so assessed, and for the arreares of the former applotments. 5. That they punish refractories in such cases. 6. That they applot meanes for buying of armes and ammunition and for enterdayning of Frigats, &c. 7. That by Way of excise or otherwise they applot on the Catholiques in the Confederats Quarters, such summes as be really due for, and in discharge of the publique engagements of the said Confederats incurred, &c. 8. That they applot meanes, as well for their owne maintenance, as for the maintenance of such persons, as shall be employed in the publike affaires.

33. Here (Confederate Catholique) thou may'st behold with teares the strange Metamorphosis of the government established by generall Assemblies for the reparation and maintenance of the Catholique faith, the security of our Sovereigne and of this kingdome for His use, in these dayes of univerall defection. Thou maist behold the happy union made by God himselfe, betweene the Confederate Catholiques, changed into an unhappy monstrous union made by Sathan, betweene the Catholiques and the pretended Protestants; the Catholique union made to preserve Religion, and extirpate Heresie, changed into an heterogeneall union to preserve heresie & extirpate Religion; *que autem conventio Christi ad Belial?* Our Supreme Concellors (honoured in the Christian world) changed into abject ministeriall Tol-gatherers for the puritans of Dublin, and the supreme power given them by the kingdome, for the exaltation of the holy Catholique Church, for the advancement of His Maiesties service, the preservation of the lives, estates, and liberties of His Maiesties true Subjects, changed into a servile office received from the same Puritans, enabling them onely to poll, racke, and taxe, the Catholiques, with what somes they please, to no other end, than to maintaine and uphold that heresie,

2. Cor. 6. 15.

Modell of
Govern-
ment, p. 4.

change of Catholique government, &c. 53

refie, which hath vowed the destruction of Religion; the de- cherifon of our Sovereigne, and fervitude of His Catholique Subjects: what? the O V E R S E E R S of *Israel* become the E X A C T O R S of PHARAO, & in lieu of crying out to Pha- Exod. 5. 20. 164. u. 20. rao (*Why dealest thou so against thy servants, behold thy servants are beaten With Whips, and thy people are uniusly dealt With all; they cominand with Pharao, let them be O P P R E S S E - D With Works and let them accomplisb them, let them be poll'd, rack'd and tax'd, least the pretended reformed Gospell perish.*

34. Yet least these Catholique Tol-gatherers should prove See hereafter p. 54. too indulgent to their fellow-Catholiques, these restrictions are added to their Commission. 1. That they acquaint the Protestant Lord Lieutenant or other chiefe Governor for the time being With such taxes, levies and excises, as shall be made and the M A N N E R of levying thereof, and that he A P P R O V E the same. 2. That the profits of the estates Within the now Quarters of the Confederate Catholiques of such as shall adhere to the Parliament, and not submit to the Peace, be accounted as Publique dues, and be converted to the maintenance of the Kings Army. 3. That the applotment for buying of armes and entertain- ing of Frigats, shall be in such proportion and manner as the Pro- testant Chiefe Governor for the time being, shall With the advise and consent of the persons aforesaid, or any five of them thinke fit. 4. That the armes and ammunition be laid up in such Magazins and under the charge of such as shall be agreed by such Protestant Governors, and the advise aforesaid, and the said Frigats, to be by the said governors accordingly employed. 5. That the said persons to be authorized, or any five of them make perfect Books of all such moneyes as shall be applotted, &c. and deli- ver abstracts of them, to the Collectors, and withall a duplicat of the said bookes to the Chiefe governor for the time being.

35. By what consent of the Confederate Catholiques have these Noble Personages intrusted by the kingdome devested themselves of that Supreme power, which the kingdome con- ferred on them, and assumed this new office from the Puritans of Dublin? what Commission had they to engage the kingdom, to cloath, furnish, and send over ten thousand men into England upon these disadvantageous articles and Conditions?

34 §. 17. Observations on the 25. Article

See our declarations, our grievances presented to His Majesty, together with our Propositions, and then thou maiest informe thy selfe (indifferent Reader) upon what Conditions the Catholiques promised 10000. men. Our Covenant to send over so many men was made with *Clamorgan*, and upon conditions of farre greater advantage; how dar'd our Committee renounce the Conditions, and yet engage the kingdome in the obligation? his Excellency, enforced *Clamorgan* to deliver unto him the Counterpart of the Conditions and Articles of peace past betweene him and the Confederate Catholiques, and laboured by imprisonment of the Kings Commissioner and other practises to cause him to revoke and repeale what contract past betweene him, and them; not prevailing that way, hee prevails with our owne intrusted Committee another way. They tell us indeed, his Excellency hath dispenced with us for sending over the 10000. men: the obligation to send them over, wee know by the Articles; the release we know not, neither may we expect it from him, that hath no power to grant it. But these are *arcana, qua non licet homini laqui*: We could not make a peace with *Glamorgan* a Catholique Peere chiefly intrusted by His Majesty without *Ormond* an Adversary to the Catholique Religion; and yet we could make a peace with *Ormond* without *Glamorgan*. *Esce in pace amaritudo mea amarissima.*

B. 28. 17.

36. Hetherto we maintained onely our Catholique armies for advance of the Catholique Religion; hereafter (if this peace prevaile) wee must maintaine all the heretique Armies in the kingdome: hetherto wee maintained onely the *Forts, Castles* and *Garrisons* in our owne *QUARTERS*; hereafter wee must maintaine all the *Forts, Castles, and Garisons* in both *Quarters*, as well in the enemies, as in the Catholique *Quarters*. Hetherto wee have provided armes, ammunition, and Frigats, for the use of the Confederate Catholiques; hereafter (by this delusorie peace) wee must imploy the present, and provide the future armes, ammunition, and frigats for the use of the Adversaries of Religion. Yea we must maintaine on our owne expence all these Tol-gatherers, Collectors, Receivers and other Officers, be they Heretiques or Catholiques, that shall thus serve the Puritans to racke the Catholiques. What hopes

change of Catholique Government, &c. 55

hopes are there, that any Catholique Princes or Prelates will ever assist us, if they heare, wee condescended to so dishonorable and pernicious a Peace? and yet without their assistance (though Protestant and Catholique were joyned together) we shall never be able to defend, Religion, King, or Countrey?

37. To presse on this Peace, the Contrivers thereof evermore urged, we were not able to maintaine the warre, though we had no more to maintaine, but the Catholique Armies & Catholique Quarters: how then shall we be able to maintaine the warre, if we must maintaine all the Armies, that shall be in the kingdome, and another great Army out of the kingdome? if we must maintaine the *Forts, Castles and Garisons*, as well in our Enemies Quarters, as in our owne? To maintaine our owne Catholique Armies onely, and the *Forts, Castles and Garisons* that were in our Quarters, onely, we had these assistances. 1. The fugitive Protestants and other Heretiques livings, and lands, that were in our owne Quarters. 2. All fines, issues, amercements and forfeitures, &c. 3. The Customes. 5. The Kings rents. 6. The Excises. 7. The two thirds of the Church-livings. 8. The fourth part of Gentlemens rents. 9. The Tenths of Priczs. 10. The aids and succours of Catholique Princes and Prelates abroad. By this Peace, the Catholiques are deprived of all these aids and assistances, and yet their charge and burden to maintaine a warre increased and multiplied. *Opprimantur operibus, ut expleant ea*: for by these Articles the fugitive Heretiques meanes, fines and amercements, rents, tithes, excises, tenths of Prices,

Customes, &c. must be by our selves collected, and sent to the Receit in *Dublin*; the two thirds of Church-livings will bee all consumed by the wiving Ministerie, &c. Forrain Catholique Prelates & Princes, will subtract their aid & succours from us, esteeming it against Conscience to contribute any way to the support of the known Adversaries of Religion. Nothing is left us, but the free-gift of the Catholique Noble-men and Gentlemen, who (to advance the Catholique faith) voluntarily & bountifully contributed the fourth part of their meanes. Yet this also is taken away from us in effect; for our Tol-gatherers are obliged

Lesse able by this Peace to maintaine war, than before.

Exod. 3

56 §. 17. Observation on the 25. Article

obliged to returne bookes and Extracts aswell of these fourth parts, as of Excises and other things: and by that meanes they discover unto the Heretiques, how they themselves may taxe, levy and take up those fourth parts, and force the Catholique Gentlemen to Contribute (against their conscience) the same meanes to maintaine Heresie, which (with integrity of conscience) they freely contributed to maintaine Religion. *Hen, manum suam misit hostis ad omnia desiderabilia eius.* The Catholiques must now with the Idolatrous *Israelits* contribute all their meanes and lively-hood, to make up the golden *Casse*, to maintaine the enemies to Religion, King and Countrey. Degenerate Catholiques that would thinke any charge (how little soever) too much to maintaine the Catholique Religion; and no charge (how great soever) too much to maintaine Heresie, even that Heresie, that made solemne vowes to destroy that Religion, and those very Catholiques, which by this peace, should be obliged to maintaine them. *Ova aspidum ruperunt, quod confotum est erumpet in regulum.* Those Heretiques, which we would by this Peace, *nourish* in our owne bosome would be hatched into *Cokatrices*, to sting our selves to death.

38. Marke prudently, judicious reade, in all those articles there is not one word or syllable for the assurance of thy religion, life, estate, or posteritie; and yet by this peace, thou must contribute, and give as much, as if thou hadst full and perfect assurance of all these; as much, as if Church and livings, and all Ecclesiasticall power and Jurisdiction, were left unto the Catholiques; as much, as if the Catholique Church were by this fatal Peace restored to its full lustre and splendour. *Glamorgan* granted unto us free exercise of Religion, Church, and Church-livings, a repeale of all penall lawes, &c. and yet the Countrey never would condescend to give him so much, as our Committee of Treatie hath condescended to give to *Ormond* on such abject conditions. But they have woven the spiders web. There is no Catholique of any worth or value in Ireland, that would not effuse the last drop of blood in his veines, before he would become such a mercenarie to Religion, or contribute his meanes to maintaine heresie: what a foolish conceit was it, to thinke that any Catholique Noble-man, Gentle-man

or

change of Catholique government, &c. 57

or merchant at home or abroad, would exhaust his meanes & moneyes to buy armes, ammunition, frigats, &c. which should be afterward at the disposall, and Command of any Vice-Roy in *Ireland* that is no Catholike; to thinke that any Catholique at home or abroad would be so prodigall of his owne life, and carelesse of his salvation, as to expose the one and the other for the defence of heresy; much more I omit, which might be here said, praying the Reader to observe; that by this article there is no power or authoritie left in our late Supreme Councell, or in the Confederate Catholiques: the Command of Armies, appointment of Commanders, and all other officers or ministers in Ecclesiasticall, Civill or Martiall Government; the government of the Forts and Cities in our Quarters, and of our Frigats at Sea; the disposition of our moneyes; armes and ammunition, &c. are translated into the adversaries of the Catholique Religion, in so much, as every petty Heretique Clarke in the Exchequer hath more power, than our late Supreme Councell. Truly, if *Glamorgan* (who knew the Kings pleasure best of any) had thought the translation of such government and command unto the pretended Protestants of *Ireland*, were more pleasing, and more secure to His Majestie, he had been as carefull to urge and presse the same, as any other. But the dayly defection of Protestants from their loyalty, will never permit true Subjects to intrust them with such command and government. It is with me *propositio per se nota*; to trust any Heretique (in these times) with any such Command or government in *Ireland*, were to betray the Catholique Religion, dethrone our Sovereigne, and destroy this Nation. Time will subminister just occasion to manifest unto the world, that the defections of *Duncanon*, *Corke*, *Yoghell*, and other places of *Ireland* proceeded of influence from *Dublin*, even from those, who beare the world in hand, they stand most for the king. *Infamia quæso Domine Consilium Achitophel.* 2. Reg. 15. 31.

§. 18. *Observations on the 26. 27. 29. and 30. Article.*

59. Commissioners of the Peace,oyer and terminer, and Gaol deliverie are to be appointed by Commission under the great

38 §. 16. Observation on the 26, 27, 29. art. &c.
great Scale in the Catholique Quarters by the 26. Article, who are besides to be qualified With power to heare and determine all Civil causes coming before them, not exceeding ten pounds. Provided, they shall not intermeddle With title of lands, &c. Which Commissioners are to continue till settlement by Parliament, sit tamdiu se bene gesserint. if untill then, they carry themselves Well. And the said Commissioners are to make their estreats, &c. And the issues, fines, amercement, and forfeitures Which shall happen before them to send to the Kings Exchequer, &c.

By the 27. Article, His Majestie is pleased, that none of the now Roman Catholique partie shall henceforth, untill there be a settlement by Parliament, sue, &c. or to be sued &c. in any Court, &c. or before any Judge, &c. other than before the Commissioners aforesaid, or in the severall Corporations, or other Inducatures Within the now Quarters of the said Confederate Catholiques, as hath or have power derived from His Majestie.

By the 29. Article, all Customes, Which from the perfecting of these present articles shall fall due shall be paid into His Majesties Receipt. That all persons intrusted in matters concerning the said Customes are to continue in their respective employments, &c.* other then as to such, and so many of them, as to the Chief Governor for the time being, by the advise and consent of any five of the twelve persons above named, shall be thought fit to be altered.

By the 30. article the aforesaid Commissioners (appointed by Commission from Dublin) shall have power to heare and determine all murders, man-slaughters, Rapes, Stealths, burning of houses, and Corne in recke or stake, Robberies, Burglaries, forcible entries, detainers of possessions & other offences, &c. upon these foure articles many things may be observed, which because every indifferent Reader may perspicuously behold out of the articles themselves, I passe by for brevities sake, only I will deliver this.

* Note the
 Arts.

* Sir Luke
 Dillon, Mr.
 Plunket,
 Mr. Darcy,
 Mr. Tyrrell,
 Mr. Dow-
 dall & Dr.
 Fennell.

Appendix concerning the extinction of our Inducature, and the ere-
 cting of the new power given by the State of Dublin.

40. **T**HE * six Agents for the late Councell and Committee
 (among many reasons summarily delivered in VVat-
 tersford unto the Ecclesiasticall Congregation) why they made
 this

extinction of the Catholike Iudicature, &c. 39
this peace, delivered this, that *none of the Confederate Catho-
liques can be summoned to, or sued in the Courts of Justice hereto-
fore held in time of peace, &c.* By which they would persuade
us, that the *Iudicature* was still left entirely in the Confederate
Catholiques hands, and therefore this peace was in effect, but a
present union (which they call a pacification) *With expectancie of
an absolute Peace to follow.* But this excuse, through necessitie in-
vented, is worse than the fault; for if the Iudicature erected by
the Confederate Catholiques doth as yet remaine in its full vi-
gour, as before, it must remaine either in the twelve noble per-
sonages above mentioned in the five and twentieth Article,
or in the Commissioners of Oyer and Terminer, who are to be
elected by the 26. article. In the first it cannot remaine, as well
because their power is limited by that contained in the five &
twentieth art. being affaires of another nature, as also because
their power is derived from the state of *Dublin*, and not from
the Confederate Catholiques; neither can it remaine in the
later, seeing their power extends not to the ordinarie power
of itinerall Iustices, and is derived likewise from the Chiefe
Governor by *Commission under the great Seale*, &c. and not
from any power given them by the Confederate Catho-
liques. And though by the thirtieth article we may neither sue,
nor be sued; but in our owne Quarters, yet it is expressly no-
ted, that our pleadings must be before such as have power deri-
ved from *His Maiestie*.

4th. In the foresaid 25. Article, or elsewhere in the rest of
the Articles of this Peace, I find not that our foresaid twelve
Noble Catholique personages are honoured, so much as with
the title of *Commissioners*; and if their title must be conforma-
ble to the office by those articles given them, I know no other
title can be given them, than the title of *TOL-CATHERES*:
for the Puritans and Parliamentaries of *Dublin*; a title now aies
becoming men of their qualitie, who have been Chiefe Mo-
derators of the Catholique affaires in *Ireland* since these wars,
and the title the more contemptible that they are authorized to
taxe and lay applotments on their fellow Confederate Catho-
liques onely, and on their lands, and not on the Protestants, or
other Parliamentaries: in so much as if the fugitive Heretiques,
who

who parted from our Quarters and sided with the Parliament did returne upon this Peace to our Quarters, they have no power to tax or, applot any thing upon them or their lands, so as they must be free from all impositions & Contributions, but the poore Catholique heavily loaden. Whether the foresaid Commissioners of Oyer and Terminer, shall be Catholiques or hereticks is not determined by any of those articles. It was the part of our intrusted Committee of the treatie to provide, that they should be named expressly Catholiques, least otherwise the lives and estates of many the Confederate Catholiques might be hazarded, such Commissioners having power over their lives and lands. I admired wherefore these Commissioners of Oyer and Terminer should be authorized by Commission under the great Seale, and that those twelve noble personages (whose power might seeme to transcend theirs) were onely authorized by *act of state*. In conference with a learned Lawyer my admiration quickly ceased, who gave me a full resolution of what before I rightly suspected, to wit, that those of *Dublin* dared not authorize by Commission under the broad Seale those twelve noble Personages to execute such particulars, as above are mentioned in the five and twentieth article, foreseeing that thereby they might become Accessories of treason, or felony at least, seeing that such as without the generall consent of the kingdome doe make such applotments and levies, and doe put the same in execution by celsing of horse and foote are guiltie of treason by the *Irish* Statute of 18. Hen. 6. c. 3. or of felony for Coynee & Liverie by the Statute of 28. Hen. 7. c. 1. & 10. H. 7. c. 18. Wherefore the State of *Dublin* though in the beginning that of articles they AVTHORIZE those twelve persons to the *assigning particulars*, yet when they descend to the same particulars they dared not use the word AVTHORIZE, but the word PERMIT, saying the Persons to be authorized, as aforesaid, are PERMITTED WITHOUT INTERRUPTION to applot, raise & levy *meanes*, &c. as above. Yet when they come to the matter of obliging the foresaid twelve noble personages to make *perfect Books, Abstracts, duplicates*, &c. of all such money as shall be *applotted*, &c. to the end a perfect account may be given to our *advantages of Dublin*, they have beene very carefull to use the word

word authorize. For such applotments & for cessing of horse & foote on His Majesties Subjects in *Ireland*, the Earle of *Stratford* was impeached of high Treason in *England*. The state of *Dublin*, as they would engage our Noblemen in the like crime, so peradventure they would become the executioners of the punishment due to the same crime: which danger had beene prevented if the power of the Confederate Catholiques given them; by full consent of the whole kingdome, were maintained or continued. They ought to be mindful of the *Ship-money* declared unlawfull by the Parliament of *England*, though applotted immediately by His Majestie himselfe for the present necessitie of the kingdome: how much more would any applotments, taxes, levyes, or impositions laid on the kingdome by any act of state from *Dublin* be so judged and condemned as unlawfull, and contrarie to the anelike fundamentall lawes, which by oath the foresaid twelve Noble Persons are tyed to maintaine and defend?

42. The power given the Commissioners of Oyer & Terminer extends not to *riot or treason*, which may encourage as well the Ecclesiasticks, as the Seculars of the adverse partie, to invade by force and violence or other sinister practises the Churches and Church-livings, Tithes, lands and other possessions belonging to our Clergie and Seculars, wherein undoubtedly the adverse partie will have great animositie, when he seeth by these articles no act, or ordinance agreed upon to debarre him from such a resolution. Neither doth the power of the foresaid Commissioners extend to *heare or determine titles of lands, &c.* which giveth way to all Escheators, Feodaries, and other officers of the Court of Wards and the Excheaquer to swarme into our Quarters, there (by hooke or crooke, or other by wayes) to take offices, and inquisitions upon our gentlemens lands, and to returne them to the foresaid Courts, and upon the first opportunity to put them in execution; the Councell-Table also will make use of this limitation to pursue the *new State affaires of plantations*. In civill causes the foresaid Commissioners power extends not to upwards of ten pounds; where then shall the Confederate Catholiques, either for debts due unto them, or trespasses done unto them (for example by invading Mini-

The Commissioners power.

62 §. 18. An Appendix, of the extinction

sters or others) above the value of ten pounds right themselves. In the Corporations within the Confederate Catholiques quarters, we may not be righted, unlesse the debtors and trespassers be caught within their liberties; because the power and Jurisdiction of such Corporations extends no further then their liberties. So as if a Protestant Bishop or Minister, (and so of others) can once get footing in our Churches, Sanctuaries, or other Ecclesiasticall possessions and livings, he is like to stay there long enough before he can be ejected either by suite or otherwise, by any power given to the Confederate Catholiques in these articles. In case one of the Confederate Catholiques impleaded by another in any the Corporations aforesaid would willingly reverse a judgement there given against him by writ of error, or otherwise, or in case he desired to remove the cause by injunction into the Chancerie, or by *habeas Corpus* unto any other superiour Court, where may he have recourse for justice there, being no other superiour Court within the Catholique Confederats Quarters. The very like and much more may be said of our Courts of Admiraltie, revenue, and other Courts, the further discussion whereof we leave unto honest Lawyers. I am of opinion that this 27. article by which the Catholique Confederates may *neither be sued nor sue* with such restrictions and limitations of power, doth not so much favour the Catholiques, as it protecteth their adversaries to attempt all mischiefs. The erecting of our Iudicatures after the beginning of these Commotions, was as thornes in the sides, and pricks in the eyes of our Adversaries knowing that such Iudicatures were a soveraigne antidote to preserve the union betweene the Confederate Catholiques, and to dissipate all clamours that might arise through the defect of administration of justice. Our armyes in the field were not so terrible unto them, as the constitution of such Iudicatures, wherefore our adversaries have gained as great a conquest against the Confederate Catholiques by demolishing this Iudicature, as they gained by transferring unto themselves the command of our Armies, the government of Cities, Forts, and receipts of the revenue.

43. Wee have heard, the Earle of *Strafford* was resolved to cause all the decrees or extrajudiciall orders, he gave on paper petitions

petitions to bee approved by Act of Parliament, not onely for the justification of his owne actions, but also because hee would manifest unto the world his care to preserve Iustice unto the subject. Had our Committee of treatie, the same courage the Earle of *Strafford* had, (as they had a better cause) they would never be so ptodigall of their owne honour, nor so negligent of those subjects (in number many hundreds) who had sutes in the *Iudicature*, and other Courts instituted by the Confederate Catholiques, whereof as yet many remaine undecided; as to yeeld to any peace, unlesse first it were agreed upon, that what sentence soever they gave betweene partie and partie, &c, the same should be confirmed by Parliament or otherwise so ratified in *Dublin*, as they should never be subject to reversall through defect of power or jurisdiction on the part of the Confederats; and that those causes, that as yet depend in the Court of Iudicature, should be finally concluded in the same Court, or upon the peace, proceeded and determined in *Dublin*. to the end the Subject might have no cause of complaint, and that the course of Iustice might have its full currant, even in the heate of warre. While the substance and the essentials belonging to the law are observed, the omission of certaine formalities in these disordered times may be well excused, and consequently the sentences and decrees given in our Iudicatures ought still to remaine in their full force, neither ought so many thousand Subjects as have impleaded or been impleaded in the said Iudicatures be forced to commence their sutes againe in any other Court which pretends to derive its power immediately from His Majesty. *Et sollicitabant corda virorum Israel.*

2. Reg. 15. 9.

44. If a prescription of a decade of Centuries may inferre a just title and power for making a law, and erecting of Iudicatures within our selves, *Sir John Davers* the Kings Atturney hath long since produced it for us, though wee would be pleased to wave the priviledges of that prescription, if necessity had not forced us to the contrarie. However, I am confident, that neither Parliament in *England*, nor their Adherents in these three Ilands can shew either president or presumption for what lawes they have made since these warres, and for the

Iudica-

Discourse
of Ireland,
pag. 14, 15,
16.

Iudicatures they have erected, even contrarie to His Majesties expresse command; with whom we may well ranke the titular Parliament of *Dublin*. Vnto the prescription aforesaid wee might adde a iuridicall exception against the pretended Protestant Iudges of *Dublin*, whereof some have been impeached of high Treason in full Parliament in *Ireland*, of which impeachment they were never yet legally acquit. Others are knowne to have sided with the Rebellious Parliament of *Eng-*

The corruption of
Protestant
Iudges.

Pag. 152.

land. What Iustice then may the Confederate Catholiques expect from such disloyall Iudges? One instance (out of many) proclaiming their injustice, I here present unto the Iudicious Reader. By an Act of Parliament past in *Dublin* 15. Ed. 4. and recorded in the Chaîne-booke of the Tholsell of *Dublin* any free-man of the said City impeached and imprisoned for felony or Treason, ought to be deliveted upon mainprife; the benefit whereof was granted unto *Sir Richard Bolron* knight, and Chancellor of *Ireland*, in as much as he was a sworne free-man of *Dublin*, though he was impeached of treason in a full Parliament by the whole kingdome. Within three yeares after which impeachment it hapned that three worthy Catholique Aldermen, and free Citizens of *Dublin*, *Ians*, *Arthur*, and *Beg* were likewise impeached of Treason, not by the whole kingdome, but by a few greedy wretches, who coveted their lands and goods. The good Aldermen desired to be delivered upon mainprife, by vertue of this Act of Parliament: the matter being debated, the same Chancellour, who not long before obtained the benefit of the said statute; resolves the Protestant Councell in Law, that these Catholique Aldermen could not, nor ought not have the benefit of the said Statute; but that they must be still kept in durance without baile or mainprife. *Ex ore tuo te iudico serve nequam*: if the Statute was of force to bring the Chancellour out of prison upon mainprife, though impeached of treason, by the whole kingdome; how much more should it be of force to bring out of prison upon mainprife, the innocent Aldermen, who were impeached by two or three knights of the Post onely? for which cause thou art inexcusable, O man, who so ever thou be that iudgest. For wherein thou iudgest another, thou condemnest thy selfe; for thou doest the same thing, for which thou iudgest

Rom. 2. 1. 3.

iudgeſt and condemneſt others. Doeſt thou thinke thou ſhalt eſcape the iudgement of God? out of one and the ſame mouth two ſentences or interpretations Diametrically oppoſit are delivered upon one & the ſame law or ſtatute againſt the Catholique free-borne Native to reſtrain him ; for the Proteſtant adventitious ſtranger to releaſe him. Such Iudges looke not on the law, by which they ought to be regulated , but on the perſons ; whom they ſentence (without reſpect of law) according their affection or diſaffection ; ſo as their corrupt judgement, and ſiniſter interpretation of the law (which they mould to what forme , they pleaſe) and not the law it ſelfe, is that, which condemnes the innocent. *Quod inſtum eſt, iudicare, ſive Civis ſit ille, ſive peregrinus : nulla erit diſtancia perſonarum.* To be a Catholique was enough to make a good cauſe bad , and to be an heretique or zealous brother was enough to make a bad cauſe good. *Iudicant ſecundum faciem, non ſecundum rectum iudicium.* Above ſix thouſand head of cattle have thoſe pillagers of *Dublin* taken away out of the Confederate Catholiques Quarters ſince theſe Ceſſations ; for which no ſatisfaction or reſtitution was ever made, notwithstanding that the Supreme Councell it ſelfe frequently dealt with the Councell of *Dublin* by letters, meſſengers, and otherwiſe to compaſſe the ſame. But of the proceeding of ſuch kinde of Iudges ſee more prolixly elſewhere. This I ſay, to ſubmit our ſelves to the Iudicatures wherein ſuch Iudges doe ſit, before they receive condigne puniſhment for their iniuſtice, were to caſt our ſelves headlong into an abyſſe of miſerie and ſervitude.

Deut.

*Darcey 12
Queres
particular-
ly, the 2.
8. &c. Sir
Rich. Blake
and Capt.
Audly
Mervins
ſpeeches.*

45. Seeing nothing is concluded but a *pacification*, and no *absolute Peace*, which as yet is in *expectancie* ; what madd men are we to ſtrip our ſelves of Iudicature, Revenue, Armes, Government, offices, and all power before any redreſſe be given us for the leaſt grievance complain'd of, or injurie offer to us : places of command as well in the *Civill*, as in the *Martiall* government, and chiefly *vacant places* ſhould be immediately, *actually* and by *particular Inſtances conſirmed on the Catholiques* (as I am credibly enformed, even by ſome of the Committee of Inſtructions) yet wee ſee nothing performed, nor not ſo much as once mention made in all theſe Articles of the *vacant*

R

places

66 §. 19. Observations on the 28. article

places to be conferred on Catholiques. Seeing also this pacification can have no greater force than a Cessation of Armes, wherein all things ought to remaine in *statu quo prius*, why should we invert that order, and yeeld (without any necessity) to such unequall Conditions, as no Chronicle hath registered? *Loquuntur pacem cum proximo suo, mala autem in cordibus eorum.*

§. 19. Observations on the eight and twentieth Article.

46. **A**S by the 25. Article the government in generall of the Confederate Catholiques is changed; so by this 28. Article the Command, Rule, and Government of their Cities, Garrisons, Forts, &c. in particular is taken out of their hands. The Confederates doe continue (saith the Article) the possession of such His Majesties Cities, Garrisons, Forts, and Castles, which are within their now Quarters, untill settlement by Parliament. But to be commanded (marke it well, I pray you) ruled and governed in chiefe by such as His Maiestie, or his chiefe Governor, or Governors shall appoint. Thus farre without any dependencie of, or relation to the advice or consent of any the twelve Persons above chosen. Here commeth to be noted first, that the Catholiques have onely the naked possession of the Cities, &c. they preserved or recovered from the Enemie, for the Kings use, wherein they are like to have no more power or libertie (if heretike subjects be Commanders in Chiefe) than slaves have in Gallies: neither had this naked possession it selfe beene left them, by their Adversaries, could they otherwise have taken it away from them by force. 2. That possession remaines in the Catholiques hands till settlement, when they are necessarily to be removed, if the Protestant Chiefe Governour shall propound to both houses that such removall conduceth to the advancement of the Kings service, and Peace of the kingdome; for this power is left him by the second article of this Peace, and the Protestant Governour will propound (wee may be sure) that the preservation of the Protestants, and suppression of Catholiques is necessarie for the advancement of His Majesties service, and such a Proposition doth not trench on any thing concluded

concluded in these Articles in the behalfe of the Catholiques.

3. Such inferior Governours must be *Governours in Chiefe* in our Cities, &c. contrarie to the Charters and priviledges granted by His Majesties Royall progenitors to such Cities, &c. 4. Suppose then, his Excellencie (according to this article) were (the Peace being accepted) to put in a *Governour in Chiefe into Duncannon* (the like discourse you may make of all other Forts, &c. in the Confederate Catholiques Command) what can hinder him to place in that fort (of so great importance) Lieutenant *Esmond*, or any other heretique Commander; that formerly kept the same from King and Countrey for the use of the Parliament? the Catholiques have good reason to suspect such kinde of practises, seeing they see those very Rebels entertained in *Dublin*, as faithfull subjects, who swore the oath of Covenant, and betrayed that Fort to the Parliament. This being done aswell in that Fort, as in the rest of the Forts, Cities, or Garisons in the Catholique Confederates Quarters, strong Garisons of Horse and Foote, assuredly will be brought in, and then the Magistrats and Inhabitants brought under the yoke; afterwards the *Priests of Belial* with their *yoke-fellowes*, and brats, throng in, and are, without blowes put into quiet possession of our Churches and Church-livings by these new Governours in Chiefe, against which there is no barre in these Articles of Peace. I could wish our Committee did remember that saying of the Gospell; *When the strong armed keepeth his possession, those things are in Peace which he possesseth, but if a stronger than he come upon him, and overcome him, he will take away his whole armour whereon he trusted, and distribute his spoiles.* 5. Why was there not a particular *Proviso* made in this article, that Generall *Presfon*, Generall *O Neale*, and those other well deserving Catholiques, whom the Confederate Catholiques made Governours of such Forts and Cities, should be continued in their Government for securitie of Religion and Countrey? But herein our Committee of treatie have been as provident, as they were in preserving places for our Catholique Commanders in the Armies. Lastly, the treatie Peace is dated 28. *March*, 1646. and the naked possession of such Forts, Cities, &c. only as then were in the Catholique Quarters

LUC. II. 25.

68 §. 19. Observations on the 28. article
ters is left them : for the Article saith (within their NOW
Quarters) so as the possession of Roscoman, Bunratty, and all
other Forts gayned by the Catholiques since the foresaid 28.
day of March, and hereafter to be gained by this sociall warre
must be given to our Adversaries, and peradventure to the
Scots themselves; whereby all our future war will prove totally
to the advantage of the Protestants and all other Sects, and to
the disadvantage of the Catholiques; and yet the charge must
lye entirely on the Catholiques.

47. The Command, rule, and government being transfer-
red unto the Chiefe Governour, and by him unto the Gover-
nors in Chiefe, whom he alone is to appoint independent of
any by the first branch of this Article, he is by the second
branch, to issue Commissions, and appoint such persons as shall
be named by His Majesties Chiefe Governour for the time be-
ing with the CONSENT and ADVICE of any five of the
foresaid twelve persons; for the EXECUTING of such Com-
mand, rule, or government: so as both the Command, the
appointment and nomination of Commanders, and the giving
of Commands unto such Commanders or Governors, as the
Chiefe Governour shall thinke fit, is wholly and independent
in him alone, wherefore as he may appoint, what tyrant, or
heretique he please to governe the Forts and Garisons in the
Confederate Catholiques Quarters, so may he give them what
Commands he please, even to the destruction of Religion:
And as there is no obligation on the Chiefe Governour to
comply with any five of the foresaid twelve, in appointing or
giving Commands to such Governours in Chiefe, so is there
no punishment inflicted by this Article on the Governours in
Chiefe in case they EXECUTE such Commands contrarie to
the advise and consent aforesaid, so as there is no securitie for
Religion, King, and Countrey. If the Chiefe Governour
himselfe neglect to aske the advise or consent of any five of the
foresaid twelve to the EXECUTION of any Commands hee
may give to such inferiour Governor or Governors in Chiefe,
and refusing their consent would doe the contrarie, what re-
medy is provided for the distressed Catholique? It is true that
as the present Lord Lieutenant hath induced five of our Com-
mittee

mittee of Threatie, to condescend unto this unluckie Peace, so may hee and his successours induce them to consent to the EXECUTION of what Commands hee please: and if all faile the (the Command, Government, and possession being in his owne hands hee will force our intrusted partie to consent unto such EXECUTION, or (at least) he will disdain to looke after their consent.

48. In fine my opinion is (*Salvo semper meliori iudicio*) that by this peace *factus est hostis noster in capite*; the heretiques have in effect obtained what they themselves desired in their foure and twenty bloody Propositions presented in the name of the Protestants to His Majestie against the Catholiques. particularly, the establishment of Protestancie; suppression of Poperie; the continuation of the pretended Dublin Parliament; the dissolution of the government established by the Confederate Catholiques, the possession of our armes and ammunition; the Command of our Armyes, and government of the Cities and Forts in our Quarters; the maintenance of the armyes and Garrisons by Catholiques, to destroy themselves; the Continuance of Paynings act in force, as the Protestants desired in their 16. Proposition; the Continuance of all the penell lawes in force against Catholiques, and the extirpation of Catholiques Prelates, Clergie and Regulars, and consequently of all Catholiques *percutie pastorem, & dispergentur oves*. And when all is done, we have heard our Committee of Treatie confesse, that there is no absolute Peace concluded, but an union or pacification *anely: obstupefcite cali super hoc*. The pretended Protestants desire this union to preserve themselves; and shall Catholiques purchase the same with no lesse price than their owne destruction? If the Catholiques adhere to the Protestants, when their owne brethren (the Puritans, Zuinglians, &c.) desert them, is it not the least favour the Catholiques should obtaine at the Protestants hands to live in their owne native soile with the full exercise of their Religion in splendour and lustre, as the ancient fundamentall lawes of the kingdome have warranted & as the promise and solemn oath of their sovereignes have confirmed? This may suffice to prove the first part of this survey, and of the injustice of the late Peace, wherein I must conclude in this apostrophe

70 §. 19. Observations on the 28. article

Aggals. 1. 6.

2. 1. 1. 1. 1.

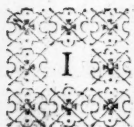
4.

postrophe to our honoured Committee; *seminastis multum & intulistis parum*; and unto our distressed banished Noble men and gentlemen, that are lead to embrace any Peace, *Videte ne quis vos seducat*. There is not one article of this Peace, that secures you of your lives, liberties or estates. The 15. article, by which an act of oblivion is granted hath its commencement, when it *shall be passed in the next Parliament*. When the next Parliament *SHALL BE*, you have heard the Authors of the peace Confesse, *it is impossible to know*, Nay say I, its morally impossible that ever it *SHALL BE*, seeing it is morally impossible that ever wee shall obtaine the Royall assent, at least, during the present state of things. the same they must confesse, as touching all acts or ordinances past against you by the titular Parliament of *Dublin*, and as touching the indictments, &c. drawne against you, whereof in the third and fourth article. In the interim, how many of your heads may they chop off? what disposition & alienation of your lands may they not make? *Constituerunt habitatores filios alienigenas in omnibus sinibus vestris, & sorte distribuerunt terram vestram*. 1. *Machab.* 3. 36.

An admonition touching Glamorgan.

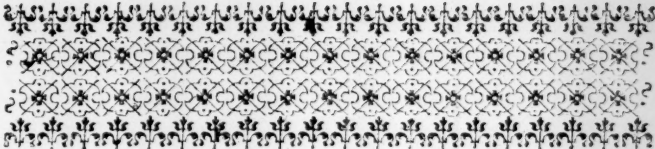
Page. 10. 11.

9.



Vdicious Reader, I have though fit to expresse more distinctly the treaty betweene the Marques of *Ormond*, and *Glamorgan* above mentioned: no surrender was made by *Glamorgan* of any power hee had: the Counterpart of the articles agreed upon betweene him and the Confederate Catholiques onely was shewne and given into the hands of the Marques of *Ormond* without any surrender or resignation thereupon, which Counterpart the Marques never hitherto restored. He laboured by oblique wayes to cause the Earle to surrender unto himselfe his Patent of being generall of the 10000. Men which the Catholique Confederates were to send into England, but the Earle denyed it, whence followed the proceedings well plotted to recall *Glamorgans* Commission, and thence to be the hinderance of succours to His Majestie in resisting the Conspirators with many more, we doubt not, one and all if brought *in trutinam*.

Laud Deo. Deiparoque. Finis prima pars.



ERRATA.

PAg. 29. l. vet. *the* is omitted. Pag. 30. l. 3. 3. by *triall* is understood a legall or lawfull triall. *ibid.* l. 12. *inimici* should be in the end of the 13. line. one Nation for on the Nation. Pag. 36. l. 22. for 60. read 600. p. 41. l. 1. read *he was*. Pag. 41. l. 23. read thus, *so what law soever established* in England, was rejected in Ireland never, &c. pag. 65. l. read *adventitious*. l. 32. read offer'd. pag. 16. lin. 34. omit, *of elsewhere which* is put for *with*, and *this* for *their*. other errors are left to the correction of the judicious Reader.